

Subject: Zoning By-law Amendment - 8005 Jock Trail

File Number: ACS2022-PIE-PS-0141

Report to Agriculture and Rural Affairs Committee on 3 November 2022

and Council 9 November 2022

**Submitted on October 20, 2022 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Rideau-Goulbourn (21)

Objet : Modification du Règlement de zonage – 8005, Jock Trail

Dossier : ACS2022-PIE-PS-0141

Rapport au Comité de l'agriculture et des affaires rurales

le 3 novembre 2022

et au Conseil le 9 novembre 2022

**Soumis le 20 octobre 2022 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne ressource : Sarah McCormick, Urbaniste II, Examen des demandes
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Quartier : Rideau-Goulbourn (21)

REPORT RECOMMENDATIONS

- 1. That the Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 8005 Jock Trail, as shown in Document 1, to vary the on-farm diversified use performance standards to accommodate the establishment of a place of assembly, 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 Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of 9 November 2022” 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 pour la propriété située au 8005, Jock Trail, comme le montre le document 1, afin de changer les normes de rendement pour une utilisation diversifiée sur terrain agricole en vue de permettre l’aménagement d’un lieu de rassemblement, comme l’explique en détail le document 2.
2. Que le 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 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 de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 9 novembre 2022 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

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

8005 Jock Trail

Owner

Janet and Tom Moul

Description of site and surroundings

The subject property is located at 8005 Jock Trail, on the north side of Jock Trail. The property has a lot area of approximately 15.25 hectares and has 306 metres of frontage on Jock Trail. The property consists primarily of hay fields and fields that serve the vineyard and a small orchard. The Jock River runs along the rear lot line of the property, with a naturalized vegetation located adjacent to the river. An existing farmhouse and accessory structures are located at the rear of the property, while a crush pad and winery building are located at the front of the property.

The surrounding area contains large lots that consist mainly of open, agricultural fields which are zoned Agricultural and Rural Countryside.

Summary of requested Zoning By-law amendment proposal

The applicant is requesting to increase the maximum floor area permitted for an on-farm diversified use, limited to a place of assembly, from 150 m² to 390 m². The application also looks to reduce the front yard setback of a parking lot associated with an on-farm diversified use from 10 metres to 5 metres to reflect the existing parking lot setback.

Brief history of proposal

The subject property is the location of an existing winery which is identified as an agricultural use in the Zoning By-law. The proposed Zoning By-law amendment accommodates the use of the existing building as a place of assembly. The property is subject to a concurrent Site Plan Control application.

DISCUSSION**Public consultation**

Public consultation and notification were undertaken in accordance with the Public Notification and Public Consultation Policy approved by Council for Zoning By-law amendments. No public meetings were held in the community in relation to the proposed Zoning By-law amendment application.

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

Official Plan designation(s)

Applications must be evaluated against the [existing Official Plan](#) and must also include an evaluation of the application against the Council approved [new Official Plan](#) (and new Secondary Plan, where applicable).

In this current period, between Council approval of the new OP and the Minister's approval of the new OP, staff are to apply whichever provision, as between the current and new OP, is more restrictive.

Current Official Plan

The subject property is designated Agricultural Resource Area in the 2003 Official Plan, with floodplain identified adjacent to the Jock River along the rear of the property.

As per Section 3.7.3.5 of the Official Plan, on-farm diversified uses are permitted, as long as they are compatible with, and do not hinder surrounding agricultural operations. Further, Section 4.8 of the Official Plan, discusses matters related to Protection of Health and Safety. All areas of the lot where the on-farm diversified use is proposed are located outside of the floodplain, with the existing building associated with the proposed place of assembly located more than 200 metres from the floodplain boundaries.

A draft Hydrogeological Report has been submitted and reviewed by staff. Sufficient information has been provided to establish that sufficient water quality and quantity are available to support the proposed place of assembly use, as identified and required in Section 4.4.2 of the Official Plan. The finalization of the report will continue through the concurrent Site Plan application process.

The proposal meets the intent of the current Official Plan.

New Official Plan

The subject property is designated Agricultural Resource Area in the new, Council adopted, Official Plan as well as portions of the property adjacent to the Jock River identified as Floodplain.

The Agricultural Resource Area policies identify on-farm diversified uses as permitted uses as long as they are compatible with and do not hinder surrounding agricultural operations. Further, Section 9.1.2 identifies that on-farm diversified uses should be limited in size, scale and location on the property as determined by the Zoning By-law.

Section 4.7.2 of the new Official Plan relates to pursuing an affordable and sustainable pattern of infrastructure development. Policies in this section requires that development proposed on the basis of private individual services must demonstrate that there is sufficient quality and quantity of groundwater to service the development. The draft Hydrogeological Report demonstrates that there is sufficient quality and quantity of water to support the proposed development. The finalization of the report will occur through the concurrent Site Plan control application.

The proposal meets the intent of the new Council approved Official Plan.

Other applicable policies and guidelines

The property is not subject to any Community Design Plans or Secondary Plans.

Staff has reviewed the proposal in relation to the Ontario Ministry of Agriculture, Food and Rural Affairs' guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. The proposal meets the intent of these guidelines, specifically related to the "limited in area" criteria for on-farm diversified uses. The proposal reduces the amount of farmland consumed, maintains the agricultural and rural character of the area, and preserves the principal use of the property as agricultural.

Planning rationale

The applicant has requested an increase to the maximum permitted floor area for an on-farm diversified use, limited to a place of assembly, from 150 m² to 390 m². Further, as a result of the establishment of an on-farm diversified use, the existing parking lot front yard setback is deficient, therefore the application requires a reduction to the front yard setback, related to a parking lot, from 10 metres to 5 metres.

The file was reviewed in accordance with all on-farm diversified use provisions in Section 79A of the Zoning By-law. Section 79A requires that all on-farm diversified uses are limited to 2% of the total lot area, to a maximum of one hectare. This area requirement includes not only the floor area within buildings, but all areas of the lot utilized for the on-farm diversified use. In this case, there are outdoor seating and ceremony areas, as well as the building floor area, that are included within the 2% calculation. While an increase in floor area is required to establish a place of assembly as an on-farm diversified use within the existing winery building, the overall on-farm diversified use is well below the allotted 2%, with only 0.89% of the lot area being utilized as an on-farm diversified use.

The increase in floor area, from 150m² to 390m² allows for the use of the existing winery building as a place of assembly. This increase in floor area does not impact the primary agricultural use of both the lot and building, as the events held occur outside of the winery business hours.

Similarly, as the existing parking lot has a front yard setback of approximately 5 metres, the request to reduce the on-farm diversified front yard setback related to parking lots, from 10 metres to 5 metres, does not result in a further encroachment onto the agricultural lands associated with the winery. The existing parking lot was sized for the winery operation in order to accommodate clients, as well as delivery trucks and their associated turning radii. Through the concurrent Site Plan Control process, staff will ensure that sufficient landscaping is provided to help shield the existing parking lot from the road and continue to maintain the rural character of the area.

The overall proposal ensures that both the agricultural operation and the on-farm diversified use utilize the same on-site amenities, including the existing septic system, and on-site laneways. This further ensures that there is limited impact on the agricultural function of the property and maintains the agricultural operation as the primary use of the property.

As mentioned above, a draft Hydrogeological Report has been provided and reviewed by staff. Sufficient information has been provided in the report to demonstrate sufficient water quality and quantity to support the proposed place of assembly. Additional clarifications and refinements to the report will be continued through the concurrent Site Plan Control application.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

The proposed Zoning By-law amendment maintains the existing agricultural use of the property and permits the diversification of the business permitted on the lot. The inclusion of the on-farm diversified use utilizes land already in use as part of the wine making operation, therefore preserving the viable agricultural land on the subject property.

COMMENTS BY THE WARD COUNCILLOR

The Councillor is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this amendment.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications resulting from this Zoning By-law amendment application.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth & Diversification: the proposed zoning amendment permits for an existing agricultural operation to diversify the uses permitted on their property.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0071) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1: Zoning Map

Document 2: Details of Recommended Zoning

Document 3: Consultation Details

CONCLUSION

The Planning, Real Estate and Economic Development Department recommends the approval of this Zoning By-law amendment as it meets the intent of both Official Plans, is consistent with the Zoning By-law and represents good planning.

DISPOSITION

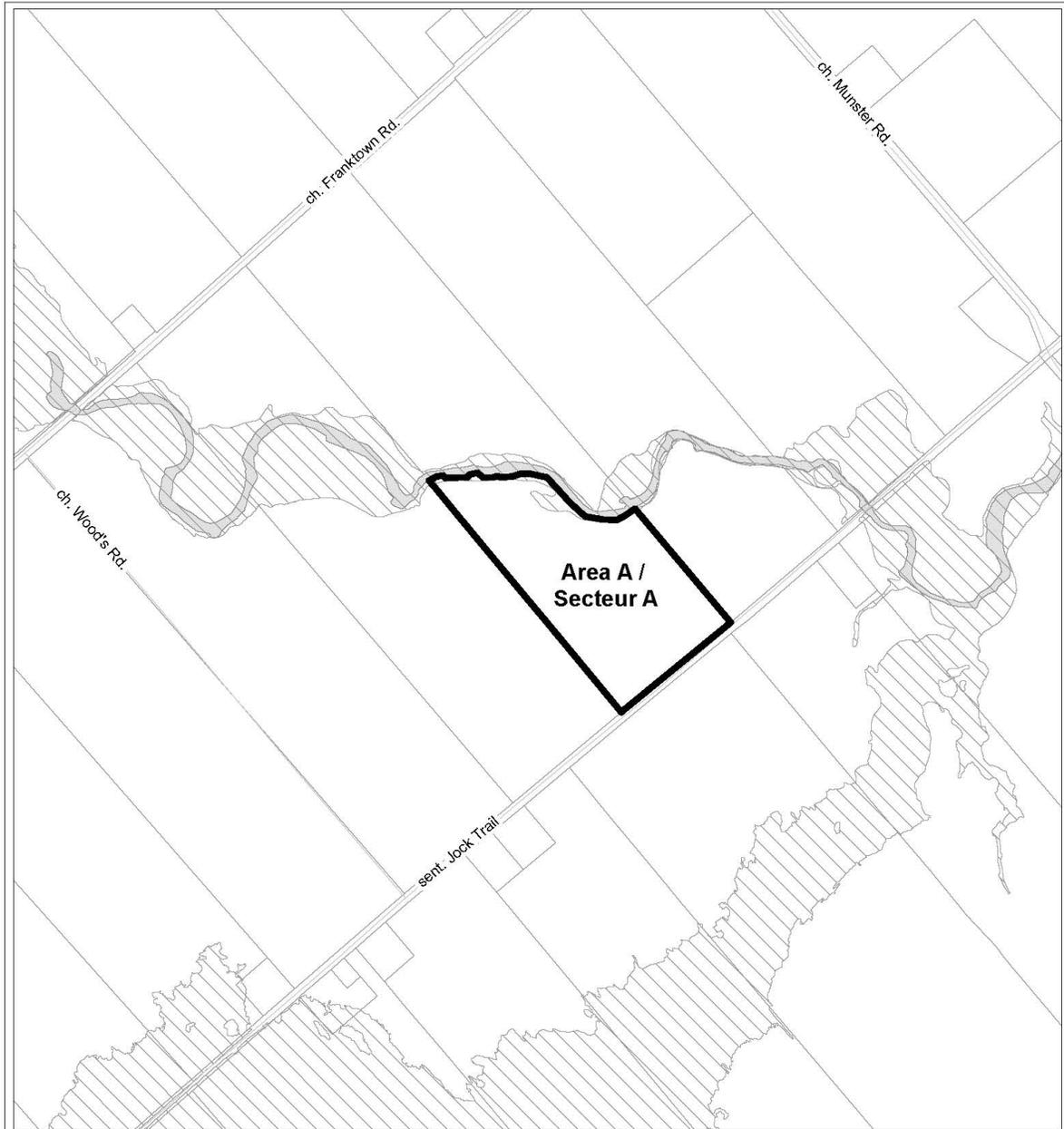
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Zoning Map



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-22-0071	22-0927-X	8005 chemin Jock Trail Road	
I:\CO\2022\Zoning\Jock_Trail_8005		 Area A to be rezoned from AG3 to AG3 [xxxr] Le zonage du secteur A sera modifié de AG3 à AG3 [xxxr]	
©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY		 Existing Flood Plain (Section 58) / Plaine inondable (Article 58)	
©Les données de parcelles appartiennent à Teranet Entreprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE		 NOT TO SCALE	
REVISION / RÉVISION - 2022 / 10 / 13			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 8005 Jock Trail:

1. Rezone the lands identified as Area A, as shown in Document 1, from AG3 to AG3 [xxxxr].
2. Add exception, AG3 [xxxxr], to Section 240 – Rural Exception with provisions similar in effect to the following:
 - a. In Column II, add the following text, "AG3[xxxxr]"
 - b. In Column V, add the following provisions:
 - “An on-farm diversified use, limited to a place of assembly, can have a maximum combined floor area of 390 m².”
 - “An on-farm diversified use, limited to a place of assembly, can have a maximum combined floor area of 390 m².”
 - “A parking lot, in existence as of November 3, 2022, and associated with an on-farm diversified use, has a required minimum of front yard setback of 5m.”

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. No public meetings were also held in the community.

Public Comments and Responses

Comment:

Concerns regarding conversions of barns into places of assembly when you can't build a home on some agricultural properties.

Response:

Staff identified that the Province has provided direction to permit on-farm diversified uses and that the City has incorporated policies and provisions to implement the Provincial direction.