

This document is presented in the language it was provided.
Ce document est présenté dans la langue dans laquelle il a été fourni.

ARCADIS
IBI GROUP

ARCADIS | IBI GROUP
61 Hyperion Court – Suite 6
Kingston ON K7K 7K7 Canada
tel 613 531 4440
ibigroup.com

Committee of Adjustment
Received | Reçu le

2023-01-31

City of Ottawa | Ville d'Ottawa
Comité de dérogation

January 30, 2023

Secretary-Treasurer
Committee of Adjustment
City of Ottawa
101 CentrepoinTE Drive
Ottawa, ON K2G 5K7

**APPLICATION FOR NEW FARM HOLDING CONSENT
1980 PHELAN ROAD WEST
IBI FILE NO. 139686**

This submission is being made in relation to a Consent Application for a New Farm Holding for the property municipally known as 1980 Phelan Road West.

This submission includes the following materials:

- Completed Consent Application Form
- Parcel Abstract (PIN)
- Preliminary MDS I Estimate
- Consent Sketch
- Planning Justification Letter

In support of the Consent Application, this letter includes a Planning Justification which examines the appropriateness of the requested New Farm Holding Consent, including consistency with the Provincial Policy Statement and Official Plan policies, as well as good planning practice. This letter will also examine the appropriateness with respect to the applicable zone provisions, the suitability of the property to accommodate the consent, as well as response to pre-consultation feedback provided by Rideau Valley Conservation Authority and City Planning staff.

Property Description

The subject property is municipally known as 1980 Phelan Road West and legally described as Part Lot 16 & 17, Concession 2 in North Gower. The property has a total area of approximately 72 hectares and frontage on Phelan Road West (north), Prince of Wales (northwest) and Third Line Road South (west). A portion of the property abuts Stevens Creek (south). The south and east sides of the subject property abut other properties. The subject property is located approximately 3 kilometers northeast of North Gower and approximately 1 kilometer west of Highway 416.

The subject property contains Strathmere, which is a wedding and hospitality destination that has operated on the property for more than 35 years. The business includes accommodations, wedding venues, dining, meeting and event spaces, as well as a spa and wellness retreat. The dining menu features field-to-plate and locally grown ingredients. Strathmere operates on

approximately 6 hectares of the 72-hectare parcel and the remaining land is leased to a local farmer who farms it for the growing of crops.

It is noted that the parcel municipally known as 1998 Phelan Road West is a separately conveyable parcel and is not included within the subject property for the purposes of this application to create a New Farm Holding.

The subject property is designated Agricultural Resource Area in the City of Ottawa's recently approved Official Plan. The property has split zoning, where the business portion of the property adjacent to Phelan Road West is zoned RC[56r]- Rural Commercial Special Rural Exception 56 (which is also applied to 1998 Phelan Road West) and the remainder of 1980 Phelan Road West is zoned AG - Agricultural (Figure 1).

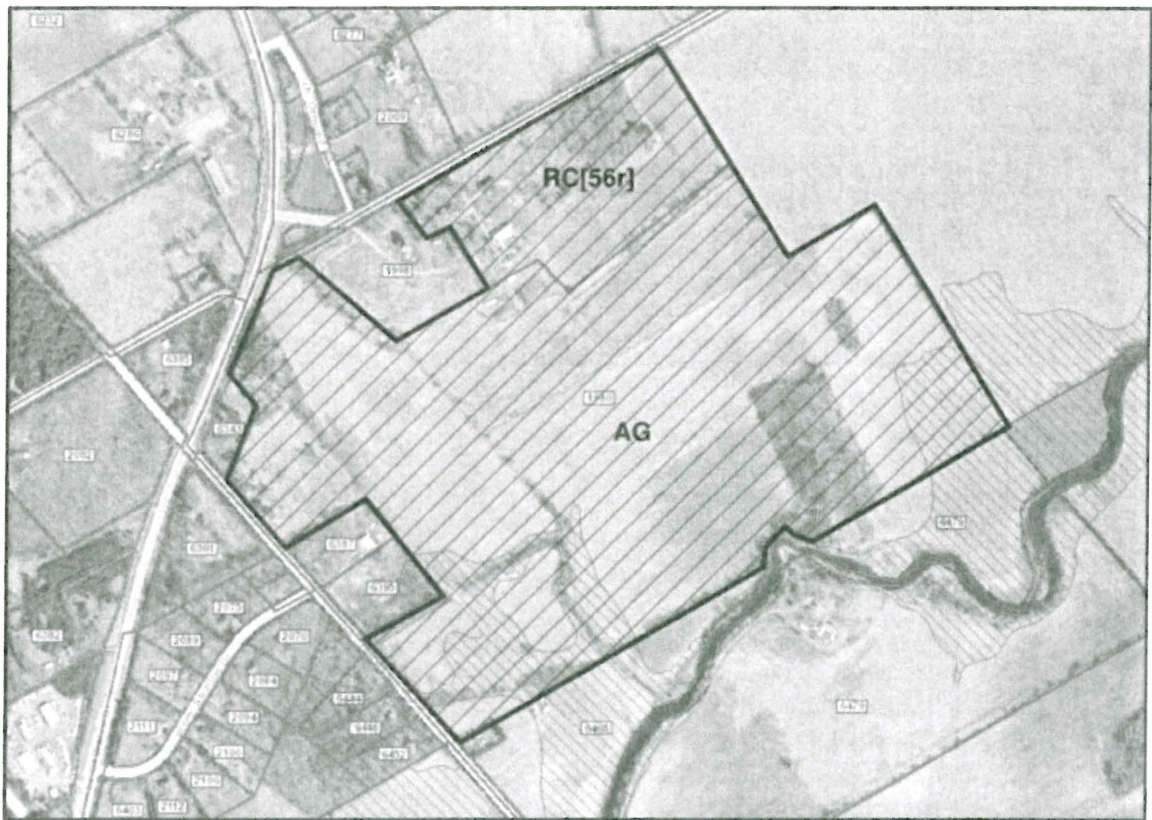


Figure 1 – Subject Property Zoning
Source: GeoOttawa

The property is also subject to a floodplain overlay associated with Stevens Creek at the south limit of the property. It is understood that Rideau Valley Conservation Authority is in the process of revising the Stevens Creek flood plain mapping, which will expand the flood plain overlay significantly over the subject property (Figure 2).



Figure 2: Proposed Flood Plain Mapping
Source: RVCA GIS

The surrounding area is comprised of a combination of residential properties on smaller lots, ranging in size from 0.2 hectares to 1.5 hectares with a mix of agricultural and rural zoning. Properties along nearby Stratton Drive, a residential subdivision comprised of 15 lots, is zoned Rural Residential 3 with lot sizes of generally 0.8 hectares. Adjacent agricultural properties are primarily farmed for growing of crops and range in size from approximately 14 hectares to 62 hectares. An abutting property to the west contains a dog kennel and there is an equestrian facility located approximately 0.5 kilometers to the northwest. There do not appear to be any other livestock facilities within 1000 metres of the subject property.

Proposed New Farm Holding

According to MPAC records, the subject property is 72 hectares in size. The proposed consent would sever the property into two equal parcels of 36 hectares each, where the severed lands would be the New Farm Holding and the retained lands would contain the existing business with additional farmland. It is anticipated that the preparation of Draft Reference Plan conforming the parcel areas would be required as a condition, should the application be approved.

Both the severed and retained lands have a minimum of 90 metres frontage on a public road outside of the proposed floodplain to achieve safe access. The severed parcel contains approximately 7 hectares of land that would be located outside of the floodplain, with access to either Prince of Wales Drive or Third Line Road. The existing business plus an undeveloped

portion of land approximately 2 hectares in size, would be outside of the floodplain on the retained parcel.

Provincial Policy Statement

The Provincial Policy Statement (PPS) is issued under the authority of section 3 of the *Planning Act* and came into effect on May 1, 2020. The PPS provides policy direction on matters of provincial interest related to land use planning and development, including the wise use and management of resources, such as agriculture. As per Section 2.3, PPS policy protects prime agricultural areas for their long-term use as agricultural land, including agricultural use, agricultural-related uses and on-farm diversified uses.

Agricultural use is defined in the PPS:

Agricultural uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Section 2.3.4 of the PPS includes policies relating to Lot Creation and Lot Adjustments.

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural uses(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

The proposed consent application would create two 36-ha parcels, which is consistent with the minimum areas required by the Official Plan and Zoning By-law for agricultural areas (discussed further in subsequent sections), which is larger than many of the lot sizes of the adjacent farming properties in the immediate area. However, the minimum 36-ha size ensures that both the New Farm Holding parcel and the retained parcel containing the business and associated agricultural lands are sufficiently sized to maintain flexibility in terms of potential changes in the type or size of agricultural operation, as contemplated by the permitted uses in the agricultural zone applicable to the property. Also, the size of the proposed New Farm Holding will allow the current crop use to continue, which is also consistent with the use of other properties in the area.

The subject application for a New Farm Holding is consistent with PPS Policy 2.3.4.1 a). The subject property does not, however, meet the PPS policies in Sections 2.3.4.1 b) through d), 2.3.4.2 or 2.3.4.3 relating to lot creation and lot adjustments in prime agricultural areas for agriculture-related uses, a residence surplus to a farming operation, infrastructure, lot adjustments and new residential lots.

City of Ottawa Official Plan

The subject property is designated Agricultural Resource Area, as per Schedule B9 – Rural Transect, in the “new” Official Plan (OP) for the City of Ottawa Official Plan approved on November 4, 2022. However, it is noted that the version of this schedule available for reference on the City’s

website is a low-resolution scan until the final version/information is received from MMAH. The subject property was also designated Agricultural Resource Area in the former Official Plan.

The Agricultural Resource Area designation protects farmland in the rural area, consistent with PPS policies, by limiting development that would compromise productivity of farming operations. The Official Plan notes that Ottawa's agri-economy is a mix of agricultural operations, including cash crop and livestock, which vary in size, is a valuable industry, and which plays an important role in ensuring food security in the region.

As per Section 9.1.2, on lands designated as Agricultural Resource Area, a variety of types, and intensities of agricultural uses and normal farm practices are permitted and shall be consistent with Provincial guidelines related to uses and practices in prime agricultural areas.

As per Section 9.1.3 7), lot creation for the purpose of a new agricultural use is permitted, provided that both the retained and severed parcels of land are no less than 36 hectares each, to maintain flexibility for future changes in the type and size of agricultural operations, which is consistent with the wording of PPS Policy 2.3.4.1 a).

Section 10 of the Official Plan addresses Protection of Health and Safety, where Policy 10.1.1 Natural Hazards: Flooding Hazards and Erosion Hazards states that lands in the floodplain are subject to regulations under Section 28 of the Conservation Authorities Act, OP Policies and zoning provisions in the ZBL.

In consultation with RVCA, it is understood that the new Stevens Creek flood plain mapping will affect a large portion of the subject property. It is also understood that development and site alteration are not permitted in the 1 in 100-year flood plain, or within areas that would be inaccessible during times of flooding hazards, unless safe access can be demonstrated.

As per the definition of development in the Official Plan, a lot creation constitutes development, however no new construction is proposed in association with the subject application and it is understood that any future development of a permitted use in the AG zone would be subject to review through a Building Permit process with respect to zoning compliance, MDS and flood plain constraint review, as well as all other applicable law.

The proposed New Farm Holding is of sufficient size to meet the minimum requirement in the Agricultural Resource Area designation, which will ensure flexibility in future agricultural uses, based on those permitted in the AG zone. It is anticipated that the subject property will continue to function largely the same as it does today, where the portion zoned AG will be used for growing of crops by a local farmer and the hospitality business will continue to operate on the retained lands.

City of Ottawa Zoning By-law 2008-250

The subject property is zoned AG – Agricultural and RC[56r] – Rural Commercial Special Rural Exception 56, and is subject to a flood plain overlay (Section 58). The Rural Commercial zone is intended to accommodate a range of commercial services in the rural area, including agriculture-related uses. Rural Special Exception 56 limits permitted uses on the property to a place of assembly, campground limited to a children's camp and a hotel.

The remainder of the property is zoned Agricultural. The purpose of the Agricultural Zone is to recognize and permit agricultural uses in areas designated Agricultural Resource Area in the Official Plan. The zone also regulates uses in a manner that respects the character of the area and minimizes land use conflicts.

The following uses are permitted in the AG Zone:

- agricultural use

- agriculture-related use
- bed and breakfast
- Cannabis Production Facility
- detached dwelling
- environmental preserve and educational area
- equestrian establishment
- forestry operation
- group home
- home-based business
- home-based daycare
- kennel
- on-farm diversified use
- secondary dwelling unit

The portion of the subject lands zoned Agricultural are currently operated for the growing of crops and the use is anticipated to continue for the foreseeable future, however in response to preliminary comments from Planning staff, the lands could theoretically accommodate other permitted uses in the AG zone. Given the extensive amount of residential development in the immediate area, as well as the floodplain constraints applicable to the property, it is unlikely that the subject property would be suitable for a large livestock facility. As per MDS Guideline #2, *"MDS II setback distances shall be met prior to the approval of the building permit application for the first or altered livestock facility occupying an area greater than 10 m² or any anaerobic digester. The information used to carry out an MDS II calculation must reflect the circumstances at the time the municipality deems the building permit application to be complete."* The MDS Guidelines do not contemplate the use of MDS II for consent applications or other planning act applications. In discussions with the current property owner, there are no plans to construct a livestock facility on the property.

However, MDS II setback distances were investigated to demonstrate whether the proposed severed parcel could theoretically accommodate a livestock facility in the future. Per Guideline #17, the fewest number of nutrient units used in calculating MDS II is 5 nutrient units, even if the actual design capacity is fewer than 5 nutrient units. For Type A Land Uses, the minimum livestock barn and manure storage setback distance would be 84 metres, and 168 metres for Type B land uses. Additionally, barns and manure storage would need to be setback a minimum of 8 metres from the nearest lot line (side or rear), and 17 metres from the nearest road allowance. Based on a review of aerial imagery of the subject property, it appears as though it would be possible to locate a livestock facility with 5 or fewer nutrient units on the severed lands. Additional information from the owner/operator of a proposed livestock facility would need to be confirmed to determine whether a larger livestock facility could be accommodated on the subject lands. Such a proposal would be subject to municipal review at the time of a building permit.

A preliminary MDS I calculation was completed for the equestrian facility (Stratford-Fox Run) located northwest of the subject property. The setback generated for the facility was 183 metres from the livestock barn and manure storage. Although there is a small overlap between the manure storage setback and the subject property, there appears to be a 0.5 hectare building envelope outside of the applicable setback and therefore, the proposed New Farm Holding complies with MDS I – should a residential dwelling unit be proposed at a future date. A second MDS I calculation

was completed for what appears to be an unoccupied barn/unused storage located at 6303 Ormond Road, which generated a setback of 260 metres, which can also be met by a 0.5 hectare building envelope on the proposed severed lands.

Given that the AG zone implements OP policy with respect to permitted uses, the severed lands at 36 hectares would be of sufficient size to accommodate various uses in the AG zone, however it is anticipated that the land will continue to be used for the growing of crops, as it is today.

Conclusion

The proposed severance for a New Farm Holding would create two, 36-hectare parcels with adequate road frontage and developable areas outside of the floodplain. The existing business on the retained lands is intended to continue operations, in compliance with the existing zoning. It is also anticipated that the severed lands would continue to be used for the growing of crops, either via continued lease or through purchase by a farmer.

We trust that the above information will satisfy the requirement for a detailed cover letter explaining the nature of the Consent Application, as well as a planning justification in support of the application.

Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Sincerely,



Tess Gilchrist MCIP RPP

Associate - Manager, Planning
Email tess.gilchrist@ibigroup.com
Phone extension 63309