

# ZANDERPLAN

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May 23, 2023

Committee of Adjustment  
City of Ottawa  
101 Centrepointe Drive  
Nepean, ON K2G 5K7

Committee of Adjustment  
Received | Reçu le

2023-05-29

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

**RE: Applications for Surplus Farm Dwelling Severance  
4639 Highway 17  
Part Lot 19, Concession 3  
Geographic Township of Fitzroy  
City of Ottawa  
Owner: Harvey and Derek Hill**

Dear Committee Members,

ZanderPlan Inc. has been retained by the property owners to assist with a Surplus Farm Dwelling Severance application for the property located at 4639 Highway 17. The subject property falls within the Agricultural Resource Area designation of the Official Plan and is zoned Agriculture (AG) in the City of Ottawa Zoning By-Law. The owners are seeking to sever 0.91 hectares which will encompass the existing dwelling, outbuildings, well and septic while maintaining the appropriate front, side and rear setbacks for a residential lot in the Agriculture zone. The remaining 56.90 hectares of agricultural fields and crops with the existing steel storage building will remain untouched and be rezoned as a condition of severance approval to prohibit future residential development on the lot, ensuring the prime agricultural lands are preserved.

## SITE LOCATION

The subject property is located on Highway 17 with a civic address of 4639 Highway 17, described as Part of Lot 19, Concession 3, in the Geographic Township of Fitzroy. The property sits closest to the intersection of Windward Way and Highway 17 with 550.9 metres of frontage on Highway 17 and 1,249.6 metres backing onto Highway 417 on the South West side of the subject property. (Figure 1). The lot is 57.82 hectares in size and currently used for agricultural purposes, with crop fields surrounding the existing dwelling and outbuildings found on the property closest to Highway 17. The existing driveway to access the house is located approximately 171.3 metres from the Eastern property line, with the house setback 87 metres from Highway 17. The proposed severance intends to fully encompass the existing septic, well, dwelling and all the outbuildings (4) excluding the steel storage building, while minimizing the size of the proposed lot in order to

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retain as much of the agricultural lands as possible. The surrounding lands to the North, East and West are all various subzones of agricultural lands containing a mix of agricultural dwellings and fields, while Highway 417 resides to the South of the property, with additional agricultural lands residing on the opposite side.

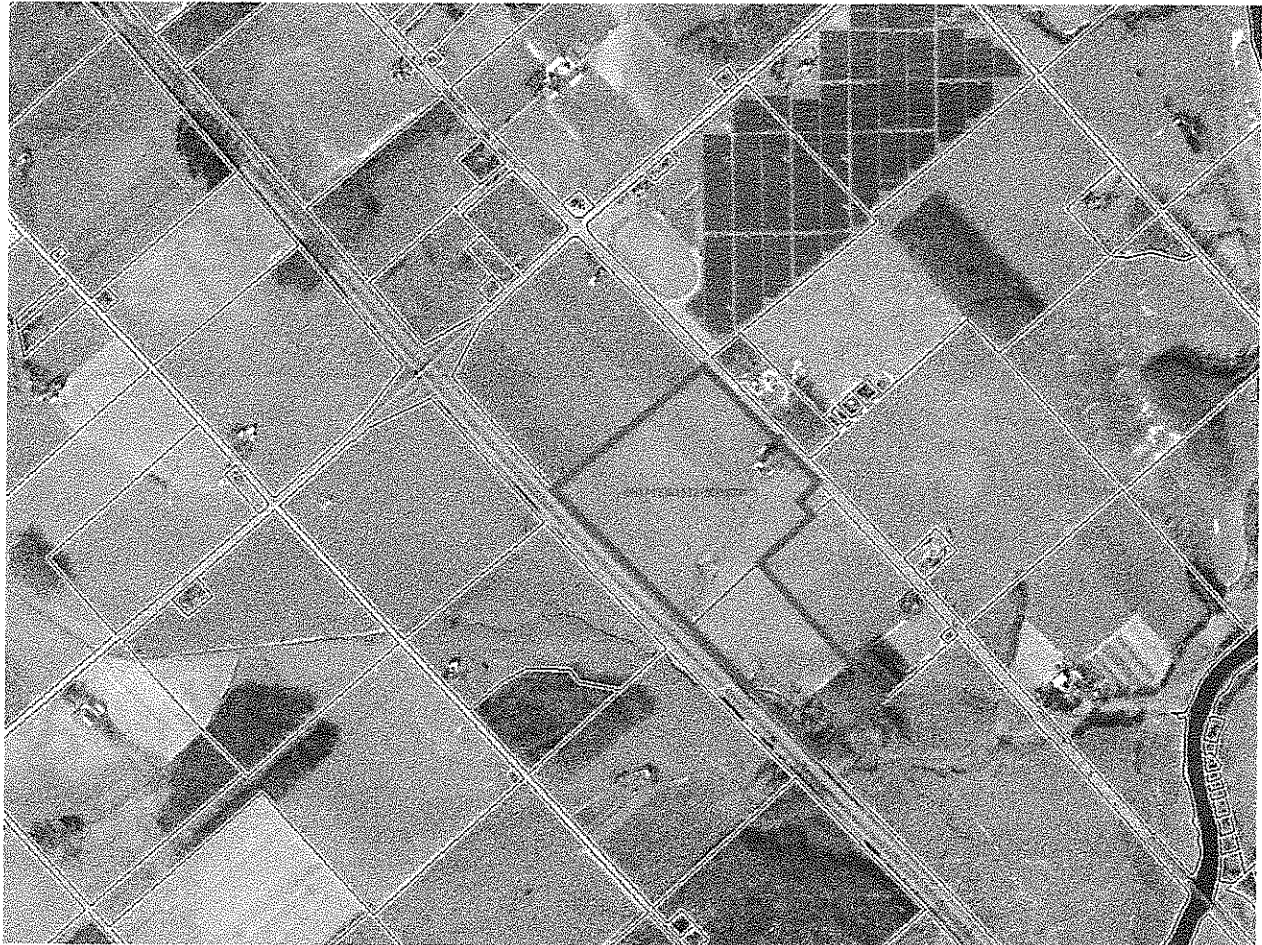


Figure 1. Aerial Image of Subject Property

## **PROVINCIAL POLICY STATEMENT, 2020**

The Provincial Policy Statement (PPS) 2020 was issued under Section 3 of the *Planning Act* and came into effect May 1, 2020, replacing the Provincial Policy Statement issued April 30, 2014. The PPS provides policy direction on matters of Provincial interest relating to land use planning while providing for appropriate development that protects resources of provincial interest, public health and safety and the quality of the natural and built environment.

**Section 2.2** of the PPS speaks to water. As per section 2.2.1 (i), the subject site will ensure *“stormwater management practices will minimize volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces”*. No additional development of the property will occur ensuring the catchment areas and small watercourse on the property will continue to function as is.

**Section 2.3** speaks to agriculture, where prime agriculture areas shall be protected for long-term use through compliance with MDS and protection of agricultural land through minimal lot creation. Any existing livestock buildings on the property are no longer occupied and will be encompassed by the proposed severance, and therefore no MDS calculation is required since no new conflict is created. **Section 2.3.4** speaks to lot creation and lot adjustments, where it is typically discouraged aside from a residence surplus to a farming operation, which is being sought in this request. The severed lot will be the minimum size possible while accommodating the existing septic system, well, buildings, and the required front, side and rear setbacks for a residential lot in an agricultural zone, while the remaining 56.90 hectares of land will be retained and preserved as agricultural lands.

**Section 2.4** of the PPS speaks to minerals and petroleum. The subject site does not contain any known significant minerals or petroleum resources that need to be preserved.

**Section 2.5** speaks to mineral aggregate resources; there are no known mineral aggregate resources on or within close proximity to the subject site.

**Section 2.6** of the PPS speaks to cultural heritage and archaeology; there are no known cultural heritage or archaeological resources on or within close proximity to the subject site.

**Section 3** of the PPS speaks to protecting public health and safety related to natural and man-made hazards. The subject site does not contain any natural and man-made hazards that would cause public health and safety hazards and there have been no documented sources of contamination on the property.

Overall, the proposed surplus farm severance is consistent with the 2020 Provincial Policy Statement.

## **CITY OF OTTAWA OFFICIAL PLAN, 2022**

The Official Plan sets forth broad policies that will help govern growth and change in Ottawa, as well as specific policies dependent upon land use designations. Schedule B9 of the Official Plan

identifies the land designation for the subject property as an Agricultural Resource Area with no identified Natural Heritage features overlay which can be seen on Schedule C11-A.

**Section 4.9** speaks to water resources, where the subject property has a small watercourse running through for what appears to be a drainage ditch. As there will be no changes to the proposed severed and retained lands regarding development, the existing watercourse/ drainage ditch will be preserved and continue to function in its current form, adhering to the policies set forth in the Official Plan regarding the preservation of water resources in Ottawa.

**Section 9.1** speaks to Agricultural resource areas, which make up approximately 40% of Ottawa's rural area and shall be protected for long term use for agricultural production while limiting development that would affect the operation of these lands. The proposed surplus severance will not hinder or affect the agricultural production of the retained lands, which will continue to be operable for growth and harvesting of crops. The severed lot is of minimal size to accommodate the existing development without removing active agricultural lands.

**Section 9.1.3** speaks to protection of farmlands from uses that would impede productive farming operations. Lot creation is typically seen to impede productive farming operations and is prohibited, except where, *"there is an existing habitable dwelling made surplus through farm consolidation, the retained lands will be rezoned to prohibit residential uses and the sever lot is of a size to minimize loss of agricultural lands"*. At this time there is no intention of consolidating the retained agricultural lands. Due to the fact that the retained parcel is larger than 36 hectares this continues to *"maintain flexibility for future changes in the type and size of agricultural operations"* of the retained parcel, all of which adheres to the policies of the Official Plan.

The purpose of the proposed surplus farm severance to create a single 0.91 hectare residential lot and retain a 56.90 hectare agricultural parcel adheres to the policies found within the City of Ottawa's Official Plan.

#### **CITY OF OTTAWA ZONING BY-LAW, 2008-250**

The Zoning By-Law sets forth specific policies that will help govern growth and change in Ottawa dependent upon specific land designations. The Zoning By-Law Schedule identifies the subject lot as falling within the Agricultural (AG) zone.

**Part 2** of the Zoning By-law speaks to General Provisions that are applied to all land designations in the City of Ottawa. **Section 55** speaks to Accessory uses and the required setbacks in place to ensure the proposed lot is as small as possible to preserve the agricultural lands. The required interior side yard setback for any accessory structure within an AG zone will be the same as the

required setback for the principal building, which is 5m. The rear yard setback required of an accessory structure or use is 1m, 9m less than what is required for the principle building. As the location of the dwelling is within close proximity to one of the outbuildings, the 10m rear yard still needs to be maintained from the principal building making the smallest rear yard setback from the outbuilding 6.6 metres. The proposed severance will adhere to the required setbacks.

**Section 56** of the Zoning By-Law speaks to adequate municipal services, however, the subject lot falls within an area of Ottawa that does not have municipal services. Due to the already developed nature of the proposed severed lot, private individual services are already existing. The shape and size of the proposed lot will ensure adequate space and setbacks from the existing private individual services and will not require additional permits or an environmental site assessment. The retained lands will need to be re-zoned to prohibit another dwelling, and therefore no additional services are anticipated.

**Section 62** speaks to minimum distance separation. Due to the subject site falling within an agricultural zone there is potential for surrounding livestock facilities. The subject lot currently contains many outbuildings which may have been previously used in the past for livestock but are currently unoccupied. All of the accessory buildings will be located on the severed lot due to their close proximity to the main dwelling, aside from the steel storage building, where side yard setbacks will be maintained. Since all the outbuildings that could have been possible livestock buildings will be located on the proposed severance, MDS will not be required. There are no other livestock facilities identified within 500 meters of the proposed surplus severance at this time.

**Section 69** speaks to setbacks from watercourses. A small watercourse/ drainage ditch is identified on the property. Typically a 30 metres setback is required; however, due to the location of the watercourse and its proximity to the existing buildings and no intention of future development of the proposed lot, a 30 metre setback it not shown on the attached sketch. If any buildings were to be developed for agricultural purposes on the retained land, a 30 metre setback would be implemented at that time. The function and continued preservation of the watercourse identified will continue as is, as there are currently no intended changes to either the severed or retained lot.

**Part 13 Section 211** speaks to the purpose of the Agriculture zone as *"recognizing and permitting agricultural uses, while restricting the range of permitted uses to agricultural, forestry and related accessory uses to preserve these prime agricultural lands. In addition to regulating uses in a manner that respects the character of the area and minimizes land use conflicts, and to identify subzones as those existing farm lots having lot area and lot width minimums that are less than the minimums required in the principal agricultural zone"*. The proposed surplus farm severance

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will not cause any conflict with the intent of the By-law as the proposed severance shape and size retains as much land as possible for agricultural use while respecting the character of the area. Additionally, the proposed size of the severed lot continues to adhere to the lot requirements of a detached dwelling (ie. other uses) of the Agricultural zone. **Section 2.1.1.1c** speaks to permitted uses, permitting one detached dwelling within an Agricultural zone, which the proposed severance property already contains and will not require any additional development or services in order to sever.

The following provisions for the proposed lot are as follows, complying with the Agricultural zone.

Provisions	Required	Proposed
Minimum Lot Width	30m	70.1m
Minimum Lot Area	0.2ha	0.91ha
Minimum Front Yard	10	87m
Minimum Rear Yard	10	10m (Accessory 6.6m)
Minimum Interior Side Yard	5	5m
Maximum Lot Coverage	20%	Approx. 8.9%

The proposed surplus severance complies with the Agricultural Zoning provisions set forth within the City of Ottawa Zoning By-Law. It is understood that the proposed retained lot will be subject to a Zoning By-law Amendment, as a condition of severance approval, to place the lot in a site specific zone that would prohibit the construction of a dwelling. The intent of this is to ensure that as much agricultural land as possible gets protected.

## SUMMARY

The applicant is seeking a surplus farm dwelling severance from the property known as 4639 Highway 17. The retained lands will be comprised of 56.90 hectares consisting of the steel storage building and continue to operate as agricultural fields. The proposed severed lot will encompass the existing dwelling, septic, well and 4 outbuildings currently on the lot for a total size of 0.91 hectares while maintaining the zoning setbacks required for a residential lot in the Agricultural zone. As the existing outbuildings, which may have previously been used for livestock

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will remain on the severed lot, MDS calculations are not required. Additionally, no other surrounding livestock facilities are within 500m of the proposed severance.

The proposed severance is consistent with the policies in the 2020 Provincial Policy Statement, and meets the intent of the policies in the City of Ottawa's Official Plan, while complying with the Zoning By-Law requirements of the Agricultural (AG) zone.

Should you require any additional information please do not hesitate to contact the undersigned.

All respectfully submitted by:



Tracy Zander, M.Pl, MCIP, RPP