

**Subject: Zoning By-law Amendment – Part of 3016 Upper Dwyer Hill Road**

**File Number: ACS2023-PRE-PS-0023**

**Report to Agriculture and Rural Affairs Committee on 24 February 2023**

**and Council 8 March 2023**

**Submitted on February 13, 2023 by Derrick Moodie, Director, Planning Services,  
Planning, Real Estate and Economic Development**

**Contact Person: Sean Harrigan, Planner 1, Development Review Rural**

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**Ward: West Carleton-March (5)**

**Objet : Modification du zonage – Partie du 3016, chemin Upper Dwyer Hill**

**Dossier : ACS2023-PRE-PS-0023**

**Rapport au Comité de l'agriculture et des affaires rurales**

**le 24 février 2023**

**et au Conseil le 8 mars 2023**

**Soumis le 13 février 2023 par Derrick Moodie, Directeur, Services de la  
planification, Direction générale de la planification, des biens immobiliers et du  
développement économique**

**Personne-ressource : Sean Harrigan, Urbaniste I, Examen des demandes  
d'aménagement ruraux**

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**Quartier : West Carleton-March (5)**

## REPORT RECOMMENDATIONS

1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for part of 3016 Upper Dwyer Hill Road, as shown in Document 1, to rezone these lands from AG2 to AG6 in order to prohibit residential development, 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 March 8th, 2023," 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* (n° 2008-250) pour une partie du 3016, chemin Upper Dwyer Hill, comme il est indiqué dans le document 1, en vue de faire passer le zonage de ces terrains de AG2 à AG6, afin d'interdire tout aménagement résidentiel, comme il est détaillé dans 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 8 mars 2023 », 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**

3016 (3036) Upper Dwyer Hill Road

**Owner**

Alan and Maureen Miller, Thomas and Scott Hill, Double LL Farms

**Applicant**

Mulvihill Murray Fannon

**Description of site and surroundings**

The subject site is abutting the eastern side of Upper Dwyer Hill Road and is situated southwest of Highway 417. The property currently contains a detached dwelling serviced by private well and septic system and a secondary structure. The lands to be rezoned are vacant with a frontage of 264 metres on Upper Dwyer Hill Road on approximately 19.73 hectares of land. These lands contain the existing agricultural fields and are zoned AG2 – Agricultural Zone, Subzone 2. The surrounding land uses are primarily agriculture.

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

This Zoning By-law Amendment has been submitted in order to fulfill a condition of approval for Consent Application D08-01-21/B-00501 imposed by the Committee of Adjustment. The intent is to prohibit residential land uses on the retained farmlands in accordance with the Surplus Farmhouse Dwelling Severance policies of the Provincial Policy Statement and Official Plan.

**Brief history of proposal**

Consent Application D08-01-21/B-00501 proposed severing the detached dwelling, secondary structure, and private services from the retained farmland. The application received provisional approval on May 4, 2022 by Panel 3 of the Committee of Adjustment. The Planning Department expressed no concerns with the Consent Application, subject to the requested conditions of approval.

Once the severance is finalized, the retained vacant farmland will be known as 3036 Upper Dwyer Hill Road.

## **DISCUSSION**

### **Public consultation**

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 concerns were identified.

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

### **Official Plan designation(s)**

The property is designated Agricultural Resource Area as per Schedule B9. The Agricultural Resource Area designation protects lands with Land Evaluation and Area Review (LEAR) Class 1, 2, and 3 soils for long term agricultural production. Protection of lands identified through LEAR is accomplished through limiting development that would compromise productivity of agricultural operations. Section 9.1.3 of the new Official Plan prohibits lot creation unless the lot contains a habitable dwelling made surplus through farm consolidation. In such cases and as a condition of severance, the retained agricultural parcel is required to be zoned to prohibit residential uses.

### **Planning rationale**

This Zoning By-law amendment will affect approximately 19.73 hectares of agricultural land, as shown in Document 1. This change is to rezone the retained parcel identified as part of 3016 Upper Dwyer Hill Road in Document 1, from Agricultural Zone, Subzone 2 (AG2) to Agricultural Zone, Subzone 6 (AG6) which fulfills a condition of approval for Consent Application D08-01-21/B-00501 imposed by the Committee of Adjustment in accordance with the Official Plan and Provincial Policy Statement. Staff had no concerns with the severance application and have determined that the proposed Zoning By-law Amendment is consistent with the Official Plan and the Zoning By-law.

### **Provincial Policy Statement**

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

## **RURAL IMPLICATIONS**

This Zoning By-law Amendment will restrict new residential development and prevent the loss of agricultural land to other competing uses. This application protects the agricultural system and the rural landscape by supporting the continued productive use of agricultural lands.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

Councillor Clarke Kelly 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 management implications relating to this application.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications relating to this application.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this application.

## **ENVIRONMENTAL IMPLICATIONS**

Approval of the recommended Zoning By-law amendment will prevent fragmentation of land within the City's Agricultural Resource Area. As such, the lands will be preserved for continued farming. Agricultural systems provide habitat for species of flora and fauna. Agricultural lands also contribute to environmental health through ecological service functions.

## **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-22-0072) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

**CONCLUSION**

The Planning, Real Estate and Economic Development Department supports this Zoning By-law amendment as it is consistent with the Provincial Policy Statement, the City's old Official Plan, the City's new Official Plan, and the Zoning By-law.

**DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance and Corporate 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.

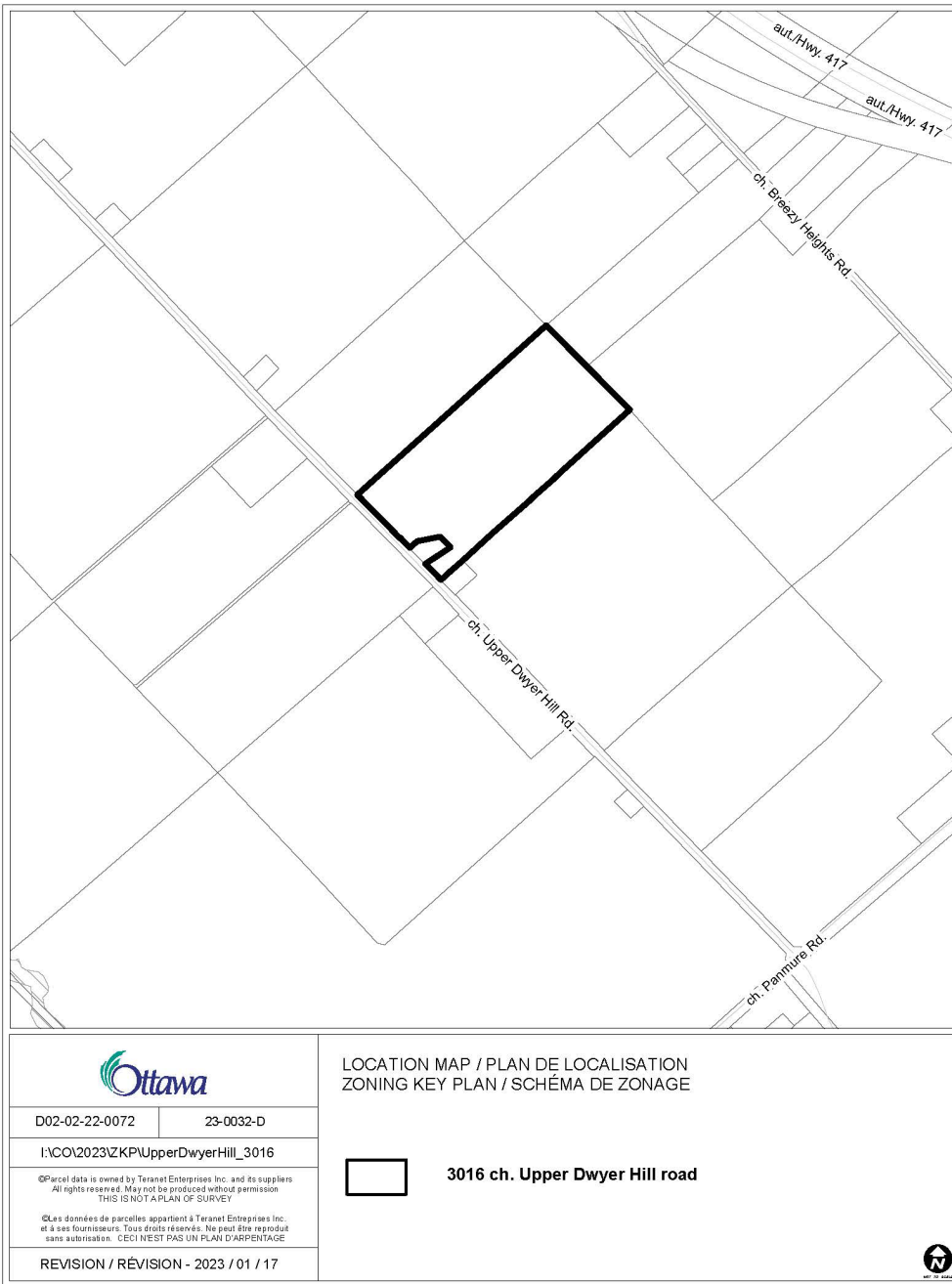
Legal Services, City Manager's Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

## Document 1 – Location Map

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

The following map illustrates the part of 3016 Upper Dwyer Hill Road to be rezoned east of Upper Dwyer Hill and west of Breezy Heights Road.



## **Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for part of 3016 Upper Dwyer Hill Road:

1. Rezone the lands shown as part of 3016 Upper Dwyer Hill Road in Document 1 from AG2 to AG6