

Subject: Zoning By-law Amendment – Part of 1980 Phelan Road West

File Number: ACS2024-PRE-PS-0032

Report to Agriculture and Rural Affairs Committee on 1 February 2024

and Council 7 February 2024

**Submitted on January 23, 2024 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Rideau-Jock (21)

**Objet: Modification du Règlement de zonage – Partie du 1980, chemin
Phelan Ouest**

Dossier: ACS2024-PRE-PS-0032

Rapport au Comité de l'agriculture et des affaires rurales

le 1er février 2024

et au Conseil le 7 février 2024

**Soumis le 23 janvier 2024 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, Examen des demandes
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Quartier: Rideau-Jock (21)

REPORT RECOMMENDATIONS

1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for part of 1980 Phelan Road West, as shown in Document 1, 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 February 7, 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 2008-250* visant une partie du 1980, chemin Phelan Ouest, un bien-fonds illustré dans le document 1, afin d’interdire tout aménagement résidentiel, comme l’expose en détail le document 2.
2. Que le Comité de l’agriculture et des affaires rurales donne son approbation afin 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 7 février 2024 », 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

Part of 1980 Phelan Road West

Owner

Strathmere Farm Inc.

Applicant

Arcadis Professional Services Ltd.

Description of site and surroundings

The subject site is located on the south side of Phelan Road West, east side of Prince of Wales Drive, and northeast side of Third Line Road South. The property currently contains a wedding and event business, agricultural fields, municipal drains, and floodplain. The surrounding land uses primarily consist of agriculture and residential, including the Village of North Gower to the south.

Summary of proposed development

Consent Application D08-01-23/B-00038 was heard and approved by the Committee of Adjustment on April 19, 2023, to sever the vacant agricultural fields from the wedding and event business for farm consolidation. The Committee of Adjustment imposed a condition of approval which requires this Zoning By-law Amendment application to rezone the severed vacant land, to be addressed as 6445 Third Line Road South, to prohibit residential development in accordance with the Provincial Policy Statement and Official Plan.

Summary of requested Zoning By-law amendment

The subject site is currently zoned Agricultural Zone (AG) and Rural Commercial Zone, exception 56 (RG[56r]). The proposed amendment will rezone the severed agricultural fields from Agricultural Zone (AG) to Agricultural Zone, Subzone 4 (AG4) which will prohibit residential development.

DISCUSSION**Public consultation**

Public circulation occurred from November 27 to December 11, 2023. One comment seeking clarification on the zoning details and one comment expressing support for the rezoning were received.

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

Official Plan designation(s)

The subject site is designated Agricultural Resource Area by Official Plan Schedule B9. As per Official Plan Section 9.1, the intent of this designation is to protect farmland for long-term agricultural use and from uses that would impede productive farming operations.

Under Official Plan policies 9.1.3 (3-7), severances within the Agricultural Resource Area designation are only permitted for a surplus farmhouse dwelling, agricultural-related uses where the soil quality is poor, and a new agricultural lot where the severed and retained parcels are each no less than 36 hectares. The only severance policy requirements the subject site could potentially satisfy is for a new agricultural lot under policy 9.1.3 (7). However, the applicant applied under the surplus farmhouse dwelling policy stating that the commercial operation was surplus to the farming business of the future purchaser of the severed agricultural fields and that they wanted to keep the majority of the farmland together. As per Official Plan policy 9.1.3 (3)(b), the vacant farmlands must be rezoned to prohibit residential development for a surplus farmhouse severance.

Planning rationale

Planning staff expressed concerns during the Committee of Adjustment hearing that the proposed severance did not adhere to a strict interpretation of the Provincial Policy Statement and Official Plan policies for surplus farmhouse severances as the retained land contained a commercial business and not a dwelling. Staff noted that the subject site could potentially satisfy the new agricultural lot creation policies, but this would result in unnecessary fragmentation of farmlands which the applicant wished to avoid. The Committee of Adjustment approved the application under the surplus farmhouse policy as they believed the proposed farm consolidation maintains the intent of the Provincial Policy Statement, provided the agricultural fields were rezoned to prohibit residential development. Planning staff agreed that the proposed Zoning By-law Amendment to prohibit residential development adheres to the Provincial Policy Statement and Official Plan even if the severance application did not adhere to strict severance criteria.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that the rezoning to prohibit residential development on the severed vacant farmlands is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

This application will protect agricultural land for long term-use.

COMMENTS BY THE WARD COUNCILLOR(S)

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

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risks associated with this application.

ASSET MANAGEMENT IMPLICATIONS

There are no assessment management implications associated with this application.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this application.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this application.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- A city with a diversified and prosperous economy

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-23-0074) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

The statutory 90-day timeline for making a decision on this application under the *Planning Act* will expire on February 12, 2024.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

CONCLUSION

The Planning, Real Estate and Economic Development Department supports this Zoning By-law amendment as rezoning the vacant farmland to prohibit residential development maintains prime agricultural lands for long-term agricultural use.

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.

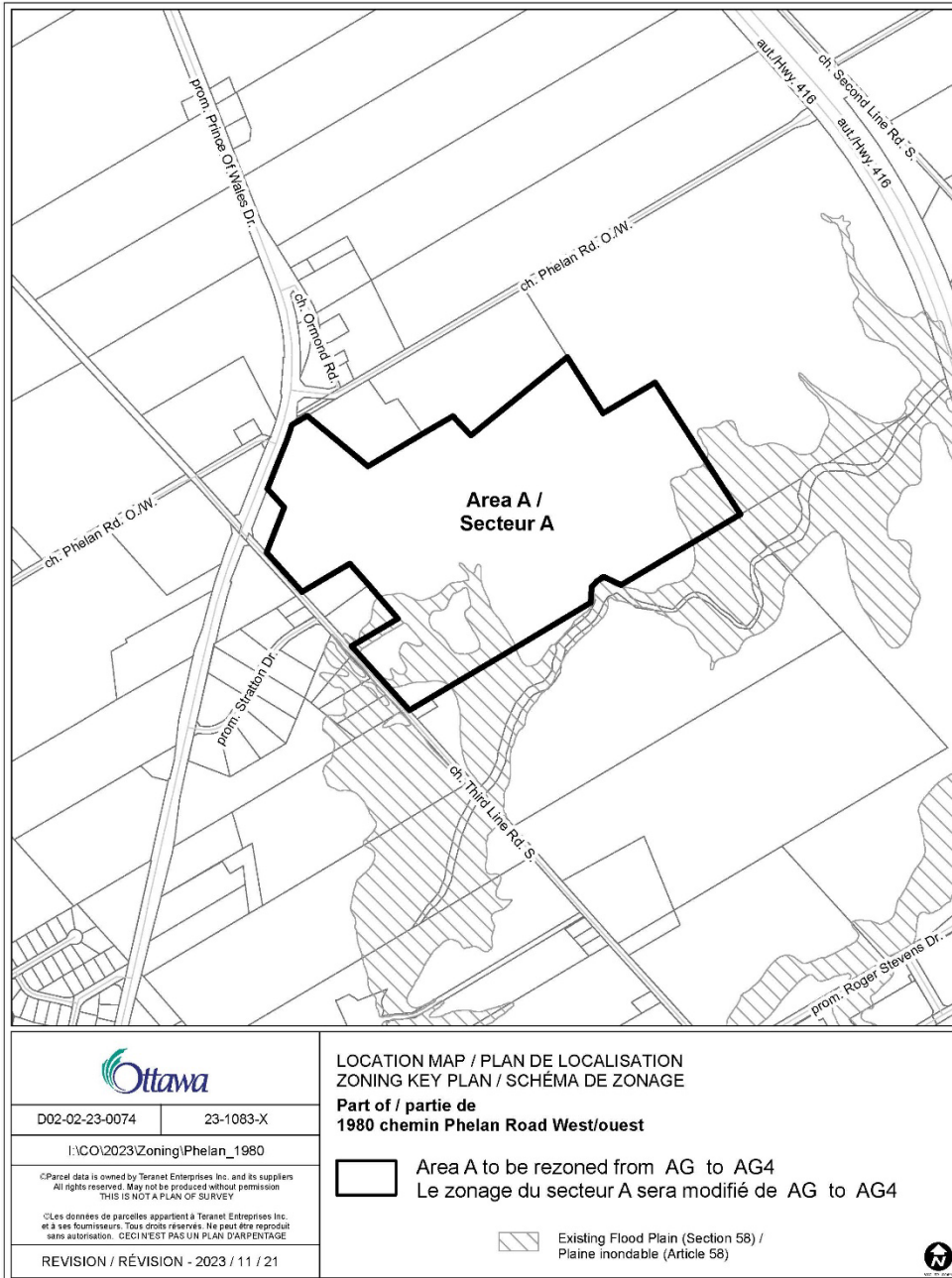
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

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

The following map illustrates the part of 1980 Phelan Road West, to be addressed as 6445 Third Line Road South, to be rezoned south of Phelan Road West, east of Prince of Wales Drive, and northeast of Third Line Road.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for part of 1980 Phelan Road West, to be addressed as 6445 Third Line Road South.

1. Rezone the lands shown as Area A in Document 1 from AG to AG4.

Document 3 – Consultation Details

Comment:

I agree with the zoning by-law amendment for 1980 Phelan Road West. I am glad that the change in zoning will keep this property as agriculture only. North Gower has expended a ton over the past years and I would like to keep things more in line with being an agricultural community. I would also like to be informed of the final decision in this matter.

Response

Thank you for your comments.

Comment:

I saw this notice by my house today and wanted to get some additional information. If I think it is what it is. If there are vacant fields, I don't have issues with zoning for residential.

Response:

The proposed rezoning will ensure the vacant fields are protected for long-term agricultural use by prohibiting residential.