

January 30, 2024

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

Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary-Treasurer

**Reference: Application for Consent (Severance)
6109 Fourth Line Road, North Gower ON
Our File No.: 124002**

Novatech has been retained to file a consent application on behalf of Jayne Forward, the owner, and Gowerdale Farms Ltd, the future owner of the proposed retained portion of a property known municipally as 6109 Fourth Line Road. The subject property is described as Part Lot 12, Concession 3, North Gower, Former Township of Rideau, City of Ottawa. The subject property is located on the east side of Fourth Line Road between Pollock Road and Carsonby Road in North Gower.

The subject property has a total lot area of approximately 22.7 ha and a frontage of approximately 207m on Fourth Line Road. The property is presently developed with a single-detached dwelling on private services and several outbuildings that are sited approximately 260m from the road. The property is primarily used for agricultural purposes and contains agricultural fields and small forested areas. Surrounding land uses include properties that are predominately used for agricultural purposes and small residential properties. The village of North Gower is sited approximately 2.3 km south of the property.

The property is designated as Agricultural Resource Area on Schedule B9 of the City of Ottawa Official Plan. The property is zoned Agricultural Subzone 2 (AG2) in the City of Ottawa Comprehensive Zoning By-law 2008-250.

The purpose of the consent application is to obtain approval to sever the existing dwelling and outbuildings on an approximately 2 ha parcel as a surplus farm dwelling consent as the result of farm consolidation. The retained parcel will contain the existing agricultural fields and forested areas. A signed purchase and sale agreement is included with this application to confirm the retained agricultural parcel will form part of a farm consolidation as required by Section 9.1.3(4) of the City's Official Plan. It is noted that the purchaser of the subject lands owns and actively farms lands within the surrounding North Gower area.

The attached application is detailed below:

Severed Lands

- The consent application proposes to create a land parcel of approximately 2 ha in area with approximately 10m of frontage on Fourth Line Road. This property will contain the existing single dwelling on private services and several outbuildings.

Retained Lands

- The retained lands will have a lot area of approximately 20.7 ha with a combined lot frontage of approximately 197m on Fourth Line Road. This parcel will contain the existing agricultural fields and will continue to be used for an active farming operation.

In conformity with Section 53 (42.1) of the *Planning Act*, this application requests certificates to the applicant for both the severed and retained lots resulting from the proposed consent. An accompanying letter from the client's solicitor is attached in support of this request.

The Provincial Policy Statement 2020 (PPS) states that prime agricultural areas shall be protected for the long-term use of agriculture. Section 2.3.4 of the PPS outlines policies for lot creation within prime agricultural areas and prohibits the creation of new residential lots except where a residence is deemed surplus to a farming operation (Section 2.3.4.1 c)) as a result of farm consolidation provided that:

1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
2. The planning authority ensures that the new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

Section 2.3.3.3 of the PPS requires that new land uses in prime agricultural areas, including the creation of new lots, to comply with the Minimum Distance Separation formulae. There are no concerns with respect to meeting MDS requirements as MDS I setbacks are not required where an existing dwelling to be severed and nearby livestock facilities are located on separate lots prior to consent and the retained agricultural lands does not contain any livestock facilities (MDS Guideline #9). The proposed severance demonstrates consistency with the PPS regarding the creation of a lot in the agricultural area where an existing dwelling is deemed surplus to a farming operation as a result of farm consolidation.

Similar to the PPS, the City's Official Plan prohibits lot creation in the Agricultural Resource Area unless certain criteria can be met for a consent related to a surplus farm dwelling. The following demonstrates how the proposed application meets the criteria of Section 9.1.3(3):

- a) *The new lot contains an existing habitable dwelling made surplus through farm consolidation.*
 - The proposed severed parcel will contain the existing dwelling which is deemed surplus through farm consolidation.
- b) *As a condition of severance, the retained lands are zoned to prohibit residential uses.*
 - It is understood that as a condition of consent the retained agricultural lands will be required to be rezoned to a suitable zone category to prohibit residential uses.
- c) *The severed lot is of a size that minimizes the loss of agricultural land.*
 - The severed parcel containing the existing dwelling and outbuildings is of a minimum size and appropriate lot shape to ensure lands historically and currently used for agricultural production remain with the retained agricultural property.
 - It is understood that lands surrounding the existing dwelling and outbuildings, which form part of the severed lot, have not historically been used for agricultural production due to the local topography of the lands. The proposed severed parcel is of a suitable size which minimizes the loss of agricultural lands.
- d) *The new lot can be adequately serviced.*

- The severed lot is currently developed with a single dwelling on private services.
- e) *Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use.*
 - The proposed severed lot will contain two outbuildings which would be considered accessory to the principal residential use. It is understood that the outbuildings are not used for agricultural purposes.
- f) *Where only one lot may be created.*
 - The application only proposes to create one lot for an existing dwelling which is deemed surplus to a farming operation.

The subject lands are zoned Agricultural Subzone 2 (AG2). The proposed severed parcel will meet the minimum lot area requirements for the single dwelling made surplus to a farming operation. The severed parcel, however, will not meet the minimum lot width requirement of 30m due to the proposed lot configuration to preserve agricultural lands and account for the existing driveway to provide access to the lot. The retained lands meet the minimum lot area and lot frontage requirements of the AG2 zone, and a rezoning is understood to be made a condition of consent to prohibit residential uses. Appropriate zone categories and zone provisions can be established for both the severed and retained parcels through the required future zoning by-law amendment application.

The following demonstrates how the proposed consent application addresses the applicable consent criteria of the *Planning Act*.

Subsection 53(1) of the *Planning Act* states:

53. (1) An owner or chargee of land, or such owner's or chargee's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32; 2020, c. 34, Sched. 20, s. 2 (2).

The application proposes to create one new lot and one retained parcel which front onto a publicly maintained road (Fourth Line Road) and the proposed consent does not necessitate the construction of new public infrastructure. A plan of subdivision is not necessary for the proper and orderly development of the lands.

Subsection 53(12) of the *Planning Act* notes that provisional consent is to have regard for matters under Subsection 51(24) of the Act. Below notes how the proposed consent addresses the criteria of Subsection 51(24):

51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed consent application is found to address matters of provincial interest for development in the agricultural area including the protection of agricultural resources for the long-term.

(b) whether the proposed subdivision is premature or in the public interest;

The proposed consent application conforms to relevant planning policies, is not considered premature and is in the public interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The proposed consent is found to conform to the City's Official Plan with respect to development and lot creation in the Agricultural Resource Area designation, as described above.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The proposed severed and retained parcels propose suitable lot configurations for the proposed land uses.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Not applicable.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

Not applicable, the proposed severed and retained lots front onto an existing City road.

(f) the dimensions and shapes of the proposed lots;

The dimensions and shape of the proposed lots are considered appropriate for the proposed land uses and intent of the PPS and City's Official Plan to protect agricultural uses for the long-term.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

It is understood that as a condition of consent, the retained agricultural lands will be required to be rezoned to prohibit residential development on the parcel.

(h) conservation of natural resources and flood control;

The subject property is located outside of any identified floodplains and natural heritage features and the retained parcel will preserve agricultural resources.

(i) the adequacy of utilities and municipal services;

The severed parcel contains an existing dwelling developed on private services (well and septic). The retained parcel will continue to be used for agricultural purposes.

(j) the adequacy of school sites;

Not applicable.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

A road widening may be required for Fourth Line Road as a condition of approval.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Not applicable.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Not applicable.

As noted, the subject lands do not require a plan of subdivision for the proper and orderly development of the lands and addresses criteria outlined in subsection 51(24) of the *Planning Act*.

The proposed severed and retained lots are consistent with the Provincial Policy Statement and conform to policies of the City's Official Plan which permit consents to sever a dwelling which is rendered surplus as a result of farm consolidation within the Agricultural Resources Area. It is our opinion the proposed consent is an appropriate use of land within the City's agricultural area and represents good land use planning.

In support of the consent applications, please find the following enclosed:

- Cover Letter (1 copy);
- Consent Application (1 original);
- Consent Sketch (1 – 8 ½ x 11 copy and 1 – 11 x 17 copy);
- Letter from Solicitor (1 copy);
- Signed Agreement of Purchase and Sale (Confidential) (1 copy);
- Parcel Abstract Page (PIN) of the Property (1 copy); and
- One Cheque in the amount of \$4,264.

Please do not hesitate to contact me in the event that you require either additional information or clarification with respect to the consent application filed for 6109 Fourth Line Road.

Yours truly,

NOVATECH

Prepared by:



Jordan Jackson, RPP, MCIP
Project Manager