



February 26, 2024

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

Committee of Adjustment
Received | Reçu le

2024-02-26

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary-Treasurer

Reference: Application for Consent – Surplus Dwelling to a Farm Consolidation
3047 Moodie Drive, Nepean ON
Our File No.: 123182

Novatech has been retained to file an application for consent on behalf of Bruce Hill on the property known municipally as 3047 Moodie Drive. The subject property is legally described as W ½ of S ½ Lot 17 Con 4; RF LYING W OF EXPROP PLAN N568139, the former City of Nepean. The property is located on the east side of Moodie Drive backing on to Highway 416.

The subject property is a rectangular-shaped parcel with a total area of approximately 12.74 ha, being approximately 208 m wide by 620 m deep. The property has approximately 208 m of frontage on Moodie Drive and is presently developed with a detached dwelling and farm fields in active agricultural production. Surrounding the property are large agricultural properties and smaller lots containing residences ranging in size from 0.1 hectares to 24 hectares.

The subject property is designated as *Agricultural Resource Area* on Schedule B9 of the City of Ottawa's Official Plan. The City of Ottawa's Zoning By-law 2008-250 zones it as AG3. The AG3 zone applies to smaller-sized agricultural lots that do not meet the AG zone requirements.

The purpose of the consent application is to sever a lot that contains the existing dwelling deemed surplus to a farm consolidation. The proposed severance will result in two land parcels with lot areas of approximately 0.8 ha for the severed and 11.9 ha for the retained. The severed parcel will contain the existing single detached dwelling while the retained parcel will continue to be used for agricultural purposes. The attached application is detailed below:

Severed Lands

- The consent application proposes to create a new land parcel approximately 0.8 ha in area with a frontage of approximately 15 m on Moodie Drive. This property will contain the existing single detached dwelling with private services and is intended to be used for residential purposes.

Retained Lands

- The retained lands will have an area of approximately 11.9 ha with frontage on Moodie Drive of approximately 200 m. The land is currently an active farm operation that will continue to be used as such. Included with this application is a signed agreement of purchase and sale to confirm that the retained lot will be part of a farm consolidation.

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 as required by the application.

In support of this application, the following planning documents have been reviewed:

Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) Section 2.3 provides policies on Agriculture with respect to the wise use and management of resources in the province. Section 2.3.4 describes policies for lot creation in prime agricultural areas and prohibits residential lot creation except for severing a residence deemed surplus to a farming operation as a result of farm consolidation (Section 2.3.4.1 (c)) so long as;

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 new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.*

The proposed severance demonstrates consistency with the PPS for residential lot creation in an Agricultural Area.

City of Ottawa Official Plan

The City of Ottawa's Official Plan sets out severance criteria for Agricultural Resource Area designated properties in Section 9.1.3 of the Official Plan. This application conforms to Section 9.1.3 (3) where lot creation is prohibited unless all of the following are met:

- (a) *the new lot contains an existing habitable dwelling made surplus through farm consolidation*
 - **the proposed severed parcel will contain the existing dwelling to be deemed surplus through farm consolidation**
- (b) *as a condition of severance, the retained lands are zoned to prohibit residential uses*
 - **it is proposed that the retained agricultural lands be zoned AG7 which prohibits residential uses and meets the minimum lot area of 10 ha and a minimum lot width of 60 m**
- (c) *the severed lot is of a size that minimizes the loss of agricultural land*
 - **the size and shape of the proposed severed lot has been configured to be located entirely outside of current agricultural production on the property thereby minimizing the loss of agricultural land**
- (d) *the new lot can be adequately serviced*
 - **the proposed severed lot has existing 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 a dwelling unit deemed surplus through farm consolidation**
- (f) *where only one lot may be created*
 - **only one lot is being proposed.**

The City of Ottawa's Zoning By-law 2008-250 details the permitted uses and zone provisions for the creation of new lots in the Agricultural Zone. The proposed severed lot will meet the provisions of minimum lot area for an existing residence made surplus to a farming operation, but a subsequent Zoning By-law Amendment application will need to be filed to address the minimum frontage required. The proposed retained lot will meet the zone provisions of the AG7 zone and will be rezoned from AG3 to AG7 with a subsequent Zoning By-law Amendment application. The enclosed severance sketch demonstrates compliance with respect to the lot areas and the existing dwelling setbacks in the Agricultural Zone.

As the proposed severance is for a residence surplus to a farming operation, Minimum Distance Separation (MDS) calculations are not required as per MDS Implementation Guideline #9 which states that;

1. *Where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent, an MDS 1 setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy.*

Section 3.4.8 (g) states that:

New development shall comply with the provincial minimum distance separation formulae, in accordance with provincial regulations, shall not encroach on the buffer from an urban boundary, and shall comply with all other policies in Section 10.

Planning Act

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).

- o **The application proposes to create one new lot and one retained parcel which front onto a publicly maintained road and 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 these criteria:

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;

- o **The proposed consent application is consistent with matters of provincial interest for development in the Agricultural area.**

- (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 of Ottawa'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 existing and intended 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. The proposed lots will minimize the loss of agricultural land and conform to the minimum lot area standards of the City's Zoning By-law.**
- (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;*
- **The proposed severed land parcel will contain a residence surplus to a farming consolidation and the proposed retained parcel will continue to be used for agricultural purposes subject to the restrictions of future residential development.**
- (h) *conservation of natural resources and flood control;*
- **The subject property is outside of identified natural resource and flood control areas.**
- (i) *the adequacy of utilities and municipal services;*
- **Private services (well and septic system) are existing on the severed parcel. The retained parcel will not require servicing for agricultural use.**
- (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 on Moodie Drive 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 their proper and orderly development 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 of Ottawa's Official Plan which permit lot creation in Agricultural Resource Areas as detailed above. It is our opinion the proposed consent is an appropriate use of land within the City of Ottawa's rural area and represents good land use planning.

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

- Cover Letter (1 - 8 ½ x 11 copy)
- Consent Application, including Schedule A for Rural Consent applications (1 original);
- Consent Sketch (1 – 8 ½ x 11 copy and 1 – 11 x 17 copy);
- Letter from Solicitor regarding certificate for retained land (1 copy);
- Signed Agreement of Purchase and Sale;
- Parcel Abstract Page (PIN) of the Property;
- One Cheque in the amount of \$4,264 (\$4,014 + \$250 second certificate fee).

Please do not hesitate to contact either of the undersigned in the event that you require either additional information or clarification with respect to the consent applications filed for 3047 Moodie Drive.

Yours truly,

NOVATECH

Prepared by:



Steve Pentz, MCIP, RPP
Senior Project Manager