

Submission Date: 2024-11-14

Application for Consent – Severance

2933 Breezy Heights Road, Ottawa, ON

Prepared by:



Submitted to:

Committee of Adjustment

City of Ottawa

101 CentrepoinTE Drive, 4th Floor

Ottawa, ON

K2G 5K7

1 TABLE OF CONTENTS

1	TABLE OF CONTENTS	1
2	INTRODUCTION.....	2
3	SUBJECT AREA	2
3.1	SUBJECT SITE.....	2
3.2	SURROUNDING CONTEXT	3
4	POLICY AND REGULATORY REVIEW	3
4.1	ONTARIO'S PLANNING ACT	3
4.2	PROVINCIAL PLANNING STATEMENT, 2024	6
4.3	MUNICIPAL ZONING BY-LAW 2008-250.....	6
5	SUPPORTING DOCUMENTATION	6
6	CONCLUSION	7

2 INTRODUCTION

IDEA Inc. has been retained by Mr. Dariush Eslimi-Esfahani to prepare a consent application for conveyance for lot creation by severing one land parcel at the above referenced address into two parcels, with the severed lot being made surplus. This application is made under Part VI – Section 53 of the Planning Act. IDEA Inc. is an Architecture & Engineering firm licensed to practice in Ontario, Nova Scotia and Quebec.

The following information, as well as the list of application forms and supporting documents at the end of this detailed cover letter make up the submission package.

As permitted by the application process, applicants can submit a property sketch of the proposed property boundary modifications and follow up with a registered legal survey once the consent application has been conditionally approved. We are therefore not submitting a proposed legal survey with new property descriptions at this time but acknowledge that one is required and will be provided by Mr. Eslimi-Esfahani following conditional approval.

Mr. Eslimi-Esfahani is not a certified farmer and does not farm the subject property himself. He does rent the farmland on the retained land parcel to a farmer each year who actively farms. 28 acres of the retained farmland is tillable area. This provision will not change with the proposed severance. None of the land on the severed lot made surplus is tillable or farmable land.

3 SUBJECT AREA

3.1 SUBJECT SITE

The subject land parcel is made of one rectangular shaped lot with a separate property owner having possession of a small portion of the South East corner. The site is situated in the Kinburn community area in the City of Ottawa's Ward 5 – West Carleton-March (Figure 1.) The subject site has an approximate total area of 188,976 square metres with 199.5 metres of frontage along the West side of Breezy Heights Road, approximately 648 metres of depth along the North face and approximately 573 metres of depth along the South most face. The site is currently occupied by a (2) single detached residential homes as well as (5) permanent implement or shed type buildings. The property does not contain livestock barns, manure storage or processing facilities. Mr. Eslimi-Esfahani has owned the subject property since March of 2015.

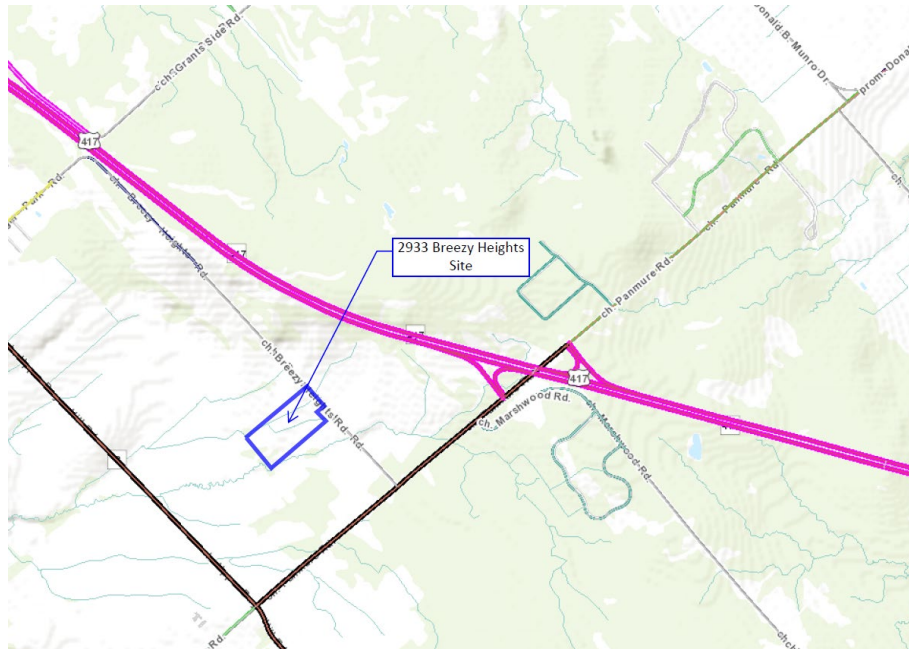


Figure 1 2933 Breezy Heights, subject site indicated.

3.2 SURROUNDING CONTEXT

2933 Breezy Heights Road is bounded by the Village of Carp to the East, Kinburn to the North, Pakenham to the West and Almonte to the South. The general use of the properties within a 10km radius of the subject property are either working or hobby farms, residential subdivisions, retired farmland with residential homes or industrial uses such as quarries. The site has immediate access to Hwy 417 via Panmure Road.

4 POLICY AND REGULATORY REVIEW

4.1 ONTARIO'S PLANNING ACT

Our office has conducted the following review of s.51(24) of the Planning Act, which sets out the following Criteria for consideration in the subdivision of land:

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

[IDEA] Section 2 outlines parameters of *Provincial Interest* that applicants shall take into consideration when preparing applications and address factors such as the natural environment, protection of agricultural resources, site services, employment and community matters, among others. Of specific interest on this file is the agricultural nature of the municipal zoning of the lot. The AG2 zoning definition to which the property is assigned looks to *restrict the range of permitted uses to agricultural, forestry and related accessory uses in order to preserve these prime agricultural lands from loss to other uses*. As part of the severance proposal, the land use is not changing, nor is any deforestation or

removal of tillable lands proposed. No additional development is being proposed for this land.

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

[IDEA] The proposed subdivision of lands is not premature and will have no effect on public interest. The existing single detached residence was constructed in circa 1890 and is proposed for occupancy by a residential tenant or homeowner.

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

[IDEA] As this property is Rural in nature, guidance is provided by Section 9 of Ottawa's official plan. In agricultural resource areas, the official plan aims to:

- i. Protect farmland for regional food security**
- ii. Support diversification of farming operations to increase local supply of goods and services in the regional economy and**
- iii. To protect farmland from uses that would impede productive farming operations.**

This application for consent does not request a rezone or official plan amendment and is therefore not removing land from the agricultural resource area. The severed parcel conforms to AG2 zoning requirements per the zoning chart exhibited on Concept Sketch A100 attached. Making the severed parcel surplus does not affect the tillable lands on the subject property or negatively affect the farming potential that exists on the remaining 97% of the property. The surplus lot represents 3% of the property parcel.

As part of Section 9 of the OP, a prohibition on lot severance is mandated unless all of the following conditions are met:

a) The new lot contains an existing habitable dwelling made surplus through farm consolidation;

[IDEA] – Condition met through the existence of the existing habitable dwelling existing on the lot to be severed.

b) As a condition of severance, the retained lands are zoned to prohibit residential uses;

[IDEA] - Condition met due to no proposal to adjust zoning or change the current use of the property.

c) The severed lot is of a size that minimizes the loss of agricultural land;

[IDEA] – Condition met due to no reduction in tillable agricultural land and no change in the current use of the property.

d) The new lot can be adequately serviced;

[IDEA] – Condition met due to existing servicing being adequately installed or available.

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; and

[IDEA] – Condition met due to dwelling unit and storage structures being existing and no development being proposed for the property.

f) Where only one lot may be created.

[IDEA] – Condition met due to only creating one lot as a result of this proposal.

- (d) the suitability of the land for the purposes for which it is to be subdivided;
[IDEA] The suitability of the of the land being severed is appropriate for the proposed use (residential habitation) as it has been used for this purpose since the 1890's and complies with current zoning regulations.
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
[IDEA] – N/A for this property.
- (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;
[IDEA] – Both the retained and severed lots are serviced via separate driveways connected to Breezy Heights Road. The retained parcel employs a second driveway for storage access.
- (f) the dimensions and shapes of the proposed lots;
[IDEA] – The dimensions and shapes of both the retained and severed lots are logical and meet the requirements of the municipal zoning by-laws.
- (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;
[IDEA] – None.
- (h) conservation of natural resources and flood control;
[IDEA] – Changes to flood control or grading is not applicable for this severance as there is no development or changes in topography proposed. The tillable area and farming operations will not change as a result of this severance.
- (i) the adequacy of utilities and municipal services;
[IDEA] – The original residence on the severed lands and the residence on the retained lands are currently serviced separately and appropriately from a hydro and septic point of view. Each of residences utilize separate wells. The original residence on the severed lands will require a new well, which there exists ample property to permit installation.
- (j) the adequacy of school sites;
[IDEA] – No change.
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
[IDEA] – Not applicable for this severance. All the severed and retained land is private and will remain private.
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
[IDEA] – Not applicable for this severance. No development is being proposed.
- (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
[IDEA] – Not applicable for this severance. No development is being proposed.

4.2 PROVINCIAL PLANNING STATEMENT, 2024

In 2024, Ontario replaced the legacy Provincial Policy Statement with the PPS under section 3 of the *Planning Act*.

The PPS provides policy direction on matters of *Provincial Interest* related to land use planning and development.

Section 2.6 of the PPS addresses Rural Lands in municipalities and specifically the subject proposal.

In general, the guiding principles of this section are to promote development of rural lands to expand housing in rural areas while protecting agricultural infrastructure. Despite there being no additional development proposed on the severed lot, the fact that agricultural lands are not being impacted (ie: tillable/farmable land eliminated) and the fact that the existing habitable residence can be utilized by either a tenant or sold to a homeowner supports the guidance set out in the PPS.

4.3 MUNICIPAL ZONING BY-LAW 2008-250

As part of the planning review, our office has analyzed the parameters of the AG2 zone and demonstrate compliance with Part XIII s.211 and s.212 per the table in our site concept sketch A100.

The severed and retained lots meet the minimum requirements of the above noted sections.

5 SUPPORTING DOCUMENTATION

Contained within the appendix are a number of forms, letters and descriptive documents that have been prepared in support of this proposed severance. The following is a list of these documents including the Consultant who prepared them:

- ***Commissioned Consent/Severance Application Form – 6 pages - 8.5x11”***
- ***Letter re: Certificate for Retained Land provided by Talarico & Schwisberg Law Offices LLP – 1 page – 8.5x11”***
- ***Written confirmation from the City of Ottawa forestry department re: TIR – 3 pages – 8.5x11”***
- ***Ontario Land Registry Parcel Register – Confirmation of Ownership – 3 pages – 8.5x11”***
- ***Schedule A: Rural Consent – additional application information – 8 pages – 8.5x11”***
- ***Written confirmation from the City of Ottawa planning department that MDS (minimum distance separation) calculations do not apply for this administration severance – 1 page – 8.5x11”***
- ***Architectural Concept Site Plan Sketch prepared by IDEA Inc – 1 page A0, 1 page reduced A1, 1 page reduced A3***
- ***Pre-severance property survey prepared by Callon Dietz Inc. and deposited 2021-02-04. 1 sheet, original scale***

6 CONCLUSION

It is the professional opinion of IDEA inc. that the proposed severance is in line with the intention of the planning documents guiding development with the Province of Ontario and the City of Ottawa. The proposal reflects good planning practice.

The project responds to a number of planning documents enacted by the City of Ottawa including the Official Plan, Rural Designations Plan and the Provincial Policy Statement. In addition, this severance also responds to the needs of the City in providing much needed residential housing stock.

Sincerely,

A handwritten signature in black ink, appearing to read 'CWS', is positioned above the printed name.

Chris Warner-Smith, M.Arch, OAA,
Principal Architect

END OF REPORT