

Subject: Minor Zoning By-law Amendment – 6158 Rideau Valley Drive

File Number: ACS2025-PDB-PSX-0030

Report to Agriculture and Rural Affairs Committee on September 4, 2025

and Council September 10, 2025

**Submitted on August 28, 2025 by Derrick Moodie, Director, Planning, Services,
Planning, Development and Building Services Department**

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Ward: Rideau-Jock (21)

**Objet : Modification mineure du Règlement de zonage – 6158, promenade
Rideau Valley**

Dossier : ACS2025-PDB-PSX-0030

Rapport au Comité de l'agriculture et des affaires rurales

le 4 septembre 2025

et au Conseil le 10 septembre 2025

**Soumis le 28 août 2025 par Derrick Moodie, Directeur, Services de la planification,
Direction générale des services de la planification, de l'aménagement et du
bâtiment**

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Quartier : Rideau-Jock (21)

REPORT RECOMMENDATIONS

1. That the Agriculture and Rural Affairs Committee recommend Council refuse an amendment to Zoning By-law 2008-250 for 6158 Rideau Valley Drive, as shown in Document 1.
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 September 10, 2025 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 de refuser une demande de modification du Règlement de zonage 2008-250 visant le 6158, promenade Rideau Valley, un bien-fonds illustré dans le document 1.
2. Que le Comité de l'agriculture et des affaires rurales approuve l'ajout, en tant que « brève explication », de la section du présent rapport consacrée aux détails de la consultation au résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffe 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 10 septembre 2025 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

EXECUTIVE SUMMARY

Staff Recommendation

Planning staff recommend refusal of the Minor Zoning By-law Amendment for 6158 Rideau Valley Drive for the purpose of bringing the existing home-based businesses into compliance with the City of Ottawa's Zoning By-law. Four site-specific exceptions are being sought by the applicant and include the removal of the maximum size limit of 115 square metres for a craft shop, allowing 51 heavy vehicles to be parked on the

property, allowing 5,255 square metres for outdoor storage associated with a home-based business, and permitting the sale of items not produced on the premise.

Planning staff do not believe that the requested amendments are minor or technical in nature. The current non-conforming land use of a trucking and excavation business in addition to other home-based businesses occurring on the property are at a scale that are not appropriate for a prime agricultural area. Home-based businesses are considered either agricultural-related or on-farm diversified uses when located on farms.

Applicable Policy

The site is designated Agricultural Resource Area per Schedule B9 of the City of Ottawa's Official Plan (2022), which permits a variety of types and intensities of agricultural uses and normal farm practices.

The following policies support staff's recommendation of refusal of the application:

- Section 4.3.2(1) of the Provincial Planning Statement requires that agricultural -related uses and on-farm diversified uses need to be compatible with and not hinder surrounding agricultural operations. The businesses' current scale and operations at 6158 Rideau Valley Drive is not an appropriate land use within a prime agricultural area.
- Section 9.1.2(2) of the Official Plan permits that on-farm diversified uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations are permitted subject to limitations on size, scale and location on the property as determined by the Zoning By-law and as informed by Provincial guidelines. Staff do not support the current operations as home-based businesses given the current scale at 6158 Rideau Valley Drive and do not find the land uses to be in accordance with the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Other Matters

If Council chooses to refuse the application, the applicant will have the opportunity to file an appeal with the Ontario Land Tribunal.

RÉSUMÉ

Le personnel des Services de planification recommande de refuser la demande de modification mineure du Règlement de zonage visant le 6158, promenade Rideau Valley et destinée à rendre les entreprises à domicile existantes conformes au Règlement de zonage de la Ville d'Ottawa. Quatre exceptions propres à l'emplacement

sont sollicitées par le requérant : la suppression de la limite de superficie de 115 mètres carrés pour une boutique d'artisanat, le stationnement de 51 poids lourds sur la propriété, une superficie de 5 255 mètres carrés pour une aire d'entreposage extérieure associée à une entreprise à domicile et l'autorisation de vente d'articles non produits sur place.

Le personnel des Services de planification ne considère pas que les modifications demandées sont mineures ou de nature technique. L'utilisation non conforme du terrain pour une entreprise de camionnage et d'excavation, en plus d'autres entreprises à domicile, est d'une ampleur qui n'est pas appropriée pour une région agricole à fort rendement. Les entreprises à domicile sont considérées comme étant liées à l'agriculture ou des à utilisations diverses d'exploitation agricole lorsqu'elles sont exploitées sur des fermes.

Politiques applicables

L'emplacement est désigné secteur de ressources agricoles à l'annexe B9 du Plan officiel (2022) de la Ville d'Ottawa, une désignation qui autorise divers types d'aménagements et différentes intensités dans les utilisations agricoles et les pratiques agricoles normales.

Les politiques suivantes justifient le refus de la demande par le personnel :

- Le paragraphe 4.3.2(1) de la Déclaration provinciale sur la planification exige que les utilisations diverses d'exploitation agricole et celles liées à l'agriculture soient compatibles avec les opérations agricoles environnantes, sans les entraver. Il n'a pas été suffisamment justifié que l'ampleur actuelle des activités commerciales au 6158, promenade Rideau Valley soit compatible avec le système agricole.
- Le paragraphe 9.1.2(2) du Plan officiel autorise les utilisations diverses d'exploitation agricole et les aménagements liés à l'agriculture et compatibles avec les opérations agricoles environnantes, sans les entraver, sous réserve des limites imposées quant à la superficie, à l'échelle et à l'implantation des aménagements sur la propriété selon les modalités déterminées par le Règlement de zonage et conformément aux lignes directrices provinciales. Il n'a pas été suffisamment justifié que l'ampleur actuelle des activités commerciales au 6158, promenade Rideau Valley soit compatible avec le système agricole et soit conforme aux lignes directrices sur les utilisations permises dans les zones agricoles à fort rendement de l'Ontario.

Autres questions

Si le Conseil décide de refuser la demande, le requérant aura la possibilité d'interjeter appel auprès du Tribunal ontarien de l'aménagement du territoire.

Consultation et commentaires du public

Les propriétaires de biens-fonds situés à moins de 120 mètres de l'emplacement visé ont été avisés de la demande par courrier, et les membres du public en ont été informés grâce à l'installation d'un panneau d'avis public sur la propriété. Six résidents ont formulé des commentaires sur la proposition, notamment la soumission d'un avis d'expert en aménagement du territoire par MB1 Land Use Planning and Development Consulting. Des préoccupations ont été exprimées au sujet du bruit, de la poussière et des odeurs liés aux activités de camionnage et d'excavation, ainsi que des problèmes éventuels de protection des sources d'eau attribuables au stockage d'engrais et de carburant. Certains résidents ont également exprimé des préoccupations entourant l'impact visuel éventuel de l'entreposage de véhicules le long de la promenade Rideau Valley.

BACKGROUND

Site location

6158 Rideau Valley Drive North

Description of site and surroundings

The subject site is located west of Rideau Valley Drive North, approximately three kilometres east of the intersection of Rideau Valley Drive and Century Road. The irregularly-shaped lot has an approximate area of 60.89 hectares and approximately 168 metres of frontage along Rideau Valley Drive. The McIntyre-Scobie Front and Middle Branch Municipal Drains cross over the property. Surrounding land uses include agricultural uses and woodlots to the north, south and west as well as rural residential uses along the Rideau River to the east. Four businesses currently operate from the property, including a cash-crop and berry farm, Millers Farm and Market (a seasonal pick-your-own market and farm outlet), Millers Trucking & Excavation and R&S Snow Service.

Summary of proposed rezoning

The applicants have requested to rezone the site to bring the existing home-based businesses into compliance with the City of Ottawa's Zoning By-law provisions. The property contains several buildings used for the servicing of the agricultural operation, a trucking and excavation business, a snow removal business, a retail store, two market greenhouses and related accessory buildings to these uses. The site also contains a

single-detached dwelling that is occupied by the landowner. Outdoor storage is also located on the property, used as parking for farm and heavy equipment and to store landscaping supplies associated with the business located on site.

The landowners began pursuing a rezoning of the property after the City issued a Notice of Violation on April 28, 2021. By-law and Regulatory Services received a noise complaint for the property in December 2019 from a neighbour. An investigation was conducted and found the business in question generating the noise on the property, Millers Trucking & Excavation, to be operating as a non-permitted use on the agriculturally-zoned land (AG [147r]).

DISCUSSION

Public consultation

Public notice of the application was given through a mail-out of property owners within 120m of the subject lands and a public notice sign being installed on the property. Six community members provided comments on the proposal, including the submission of an Expert Land Use Planning Opinion by MB1 Land Use Planning and Development Consulting. Concerns were expressed about the noise, dust and odours produced by the trucking and excavation business and potential source water protection issues from fertilizer and fuel storage. Community members also expressed concerns about the potential visual impact of vehicle storage along Rideau Valley Drive.

For this proposal's consultation details, see Document 2 of this report.

Official Plan designation(s)

The subject lands are designated Agricultural Resource Area under Schedule B9 of the Official Plan. As per Section 9.1.2(1), on lands designated as Agricultural Resource Area, a variety of types and intensities of agricultural uses and normal farm practices are to be permitted and shall be consistent with Provincial guidelines related to uses and practices in prime agricultural areas. Further, Section 9.1.2(2) states that on-farm diversified uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations are permitted subject to limitations on size, scale and location on the property as determined by the Zoning By-law. A Zoning By-law amendment is required for any increase to the permitted size of an on-farm diversified or agriculture-related use.

“On-farm diversified uses” as defined by the Provincial Planning Statement are “uses that are secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and

electricity generation facilities and transmission systems, and energy storage systems”. Home-based businesses on prime agricultural lands are considered as part of an on farm- diversified use.

Other applicable policies and guidelines

When considering applications that propose non-agricultural uses on lands designated Agricultural Resource Area, staff consider the Province’s Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas ([Publication 851](#)). Agricultural Resource Area designates Prime Agricultural Lands in the Ottawa context. The Guidelines were published in 2016 as a guide to the Agricultural Policies in the 2014 Provincial Policy Statement. The Guidelines are still relevant when considering criteria for permitted uses in prime agricultural areas today.

Planning Rationale

The applicant has requested the following changes to the site-specific zoning affecting the site:

- a) Removal of the maximum size limit of 115 square metres for a craft shop;
- b) Despite subsection 126(1) limiting heavy vehicles on the property to three, a maximum of 51 heavy vehicles to be permitted to be parked on the property;
- c) Despite subsection 128(10) limiting the size of the home-based businesses’ outdoor storage to maximum cumulative five per cent of the lot area or 100 square metres (whichever is the lesser, which in this case is 100 square metres), a maximum of 5,255 square metres would be permitted for outdoor storage associated with a home-based business; and
- d) Despite subsections 127(12) and 128(1) limiting the sale of products to only those items that are made on the premises, the home-based businesses would be permitted to sell items not produced on the premise.

Section 11.6(5) of the Official Plan discusses what applications can be considered minor for delegation to staff pursuant to Section 39.2 of the *Planning Act*. Applicable to this application is 5(a)(i), which allows consideration of a zoning by-law amendment to be minor if there are only modifications to performance regulations (such as height, yard setbacks, etc.). The requested amendment (d) for permitting the sale of products not produced on the premise is not a modification to a performance regulation and would require a major zoning by-law amendment.

Putting aside amendment (d) above, while the requested amendments (a), (b) and (c) are technically changes to performance regulations, staff disagree that the changes

requested are minor or technical in nature. Numerically, the increase from three heavy vehicles to fifty-one is seventeen times what the Zoning By-law permits for home-based businesses. The increase in outdoor storage is over fifty times what the By-law permits. Notably, amendment (c) only counts the areas the applicant has identified as outdoor storage on the concept plan, whereas staff have concerns that additional outdoor storage for the businesses is being utilized elsewhere on the lot. Further, the land uses have been identified as a potential source of nuisance outside of regular farm practices for adjacent residential lots regarding noise and traffic.

The proponents are suggesting that the Agricultural zone of the subject lands remaining unchanged. The effect of the proposed amendments is that a land use that would normally be considered an industrial or commercial use would be legalized on the lot.

Policies for Development on Prime Agricultural Lands

Section 2.6 of the Provincial Planning Statement (PPS) addresses rural lands in municipalities, permitting amongst other rural land uses agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards (2.6.1). Additionally, section 2.6.4 states that planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

6158 Rideau Valley Drive is considered within a prime agricultural area as well as prime agricultural lands given that the property has Canada Land Inventory Class 2 and Class 3 soils and has been designated Agricultural Resource Area under the City's Official Plan. Impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance (Section 4.3.5.(2)).

The term "on-farm diversified use" was introduced in the 2014 Provincial Policy Statement. Previous planning policies referred to a similar concept of "secondary uses" which were defined in the 2005 Provincial Policy Statement as "uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property". In this vein, the previous 2003 Official Plan (OP) permitted home-base businesses on farm lots with a dwelling, subject to the provisions of the Zoning By-law. In 2017, Official Plan Amendment #180 brought the language of on-farm diversified uses into the OP (Section 3.7.3). On-farm diversified and agricultural-related

uses were permitted subject to the Provincial Guidelines (such as [Publication 851](#)) and the following criteria:

- a) On-farm diversified uses are secondary to the principle agricultural use of the property. They are to be limited in area and include but are not limited to; home industries, retail, agri-tourism and uses that produce value-added agricultural products. A Zoning By-law amendment is required for any increase to the permitted size of an on-farm diversified use.
- b) Agriculture-related uses are commercial or industrial uses that are intended to serve local farm operations and are limited in size. A Zoning By-law amendment is required for any increase to the permitted size of an agriculture-related use, and the applicant must demonstrate that the use at the scale proposed is compatible with and is not hindering surrounding agricultural operations, and that every effort has been made to locate the use in an area of poor soils. (Section 3.7.3(5)(a)&(b)).

The Zoning By-law's current provisions for on-farm diversified uses were approved by Council on July 7, 2021 ([ACS2021-PIE-EDP-0024](#)). In addition to the home-based business provisions in Sections 127 and 128 of the Zoning By-law, the provisions for on farm- diversified uses (Section 79A) and agriculture-related uses (Section 79B) also apply to 6158 Rideau Valley Drive. The new Official Plan (2022) simplifies the previous policies:

On-farm diversified uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations are permitted subject to limitations on size, scale and location on the property as determined by the Zoning By-law. A Zoning By-law amendment is required for any increase to the permitted size of an on-farm diversified or agriculture-related use (Section 9.1.2(2)).

There was discussion between City staff and the applicant regarding activities on the site in relation to the Official Plan's policies and the Zoning By-law requirements for agriculture-related uses and on-farm diversified uses. In response, the applicant stated that the home-based businesses are legally non-conforming uses with regard to the on-farm diversified use provisions because their establishment predates the on-farm diversified use policies and Zoning By-law requirements.

Legal non-conforming rights have protection under *Planning Act* section 34(9), which finds that a zoning by-law cannot prohibit the use of land, a building, or a structure that was lawfully commenced on the date the by-law was passed. Property owners do not need to apply to have legal non-conforming status – assuming a land use or structure

was established legally at the time of its commencement or erection. However, when called into question (such as during the consideration of a planning application) property owners do need to be able to provide proof that their land use is legal non-conforming. The City of Ottawa has a process for property owners [to establish non-conforming rights](#).

Property owners have the ability under the *Planning Act* to apply for the reasonable expansion or enlargement of a legally non-conforming use or structure. The process occurs through the Committee of Adjustment's powers to grant permissions under section 45(2) of the *Planning Act*. Permission applications are considered under the following criteria:

- Whether the application is desirable for the appropriate development of the subject project; and
- Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

The applicants have not provided adequate evidence that the existing businesses at 6158 Rideau Valley Drive North have legal non-conforming status. According to [the Millers Farm, Market & Garden "About Us" webpage](#), the property was acquired in 1991. According to the applicant, the entities known as Millers Farm and Market as well as R & S Snow Service have been in operation since 1991. In 1991, the area of the lot containing these uses was zoned Restricted Rural Zone (A1) by the Zoning By-law of the former Township of Rideau (By-law 84-77). A major difference between the Restricted Rural Zone (A1) zone and the General Rural Zone (A2) at the time was that Rural Home Occupations (any occupation conducted for gain or profit as an accessory use on a permitted farm) were not permitted in the A1 zone.

In 2003, the property owners submitted a site-specific zoning by-law amendment to the City of Ottawa, passed as By-law 2003-401. The site-specific amendment added subsection A1-8 to this portion of the lot that added the additional uses of a rural home occupation as well as a craft shop limited to a maximum floor area of 115 square metres. This change in zoning would have permitted the existing uses of Millers Farm and Market as well as R & S Snow Service, which previously would not have been permitted in the A1 zone.

When the City of Ottawa consolidated the former municipalities Zoning By-laws in 2008, the A1-8 zone was carried forward in its entirety as Rural Exception 147r, which is the current zoning on the property in addition to the base Agricultural (AG) zone.

The matter of legal non-conforming today becomes complicated. If the land uses at 6158 Rideau Valley Drive North had remained at the same scale and intensity as when the site-specific- exception was added to the site, it would be clear that the uses would have legal

non-conforming status regarding the current Zoning By-law's Section 79A and 79B for on-farm diversified and agricultural-related uses. However, the land uses on site have expanded significantly since permissions were approved in 2003 with the addition of a garden center in 2008 and Millers Trucking and Excavation in 2012.

Under the Former Township of Rideau Zoning By-law Provisions for Rural Home Occupations (Section 3), rural home occupations were subject to the follow provisions:

- a) No more than one person, other than a person residing in the home, shall be employed in the rural home occupation except that a maximum of three additional persons, who do not reside in the home, may be employed for a period of up to four months in any one calendar year.
- b) There shall be no external display or advertising, other than a legal sign, to indicate that any part of the lot is being used for a purpose other than agricultural.
- c) Such rural home occupation shall be clearly secondary to the main agricultural use and shall not change the agricultural character of the farm unit.
- d) There shall be **no open storage of materials, supplies, tools, equipment or goods which are used solely for, or result solely from,** the rural home occupation.
- e) The rural home occupation shall not create or become a public nuisance in regard to **noise, traffic or parking** (emphasis added).

The current City of Ottawa Zoning By-law's (2008-250) provisions for home-based businesses on rural lots are contained in Sections 127 and 128, which have been adequately discussed in the applicant's Planning Rationale.

At this point in time given the nature of the requested zoning by-law amendment it is clear to City staff that the businesses on the lot are not in conformity with the Zoning By-law provisions. What is not clear is when the non-conformity occurred. Outside of the current application, there have been no applications for either a Zoning By-law Amendment or a Committee of Adjustment permission to address potential issues with the garden center and the trucking and excavation business expansion. As such, a case could be made that these uses do not have legal non-conforming rights and to legalize such uses today would require conformity of the on-farm diversified and agricultural-related provisions within the Zoning By-law.

The issue again comes to scale. Millers Trucking and Excavation, R & S Snow Service, and Millers Farm and Market can be considered on-farm diversified uses (OFDUs). The Zoning By-law limits OFDUs and agricultural-related uses to a combined total lot

coverage of two per cent of lot area to a maximum of one hectare (Section 79A(1) & Section 79B(1)). Area maximums include any buildings, structures and outdoor storage associated with home-based businesses as well as parking areas and landscaped areas that are associated with an on-farm diversified use. The applicant and City staff have disagreed on the areas included on the concept plan associated with the home-based businesses, and as such there are still questions on whether the businesses on the site meet the one-hectare area maximum.

Further, the total floor area occupied by on-farm diversified uses may not exceed 20 per cent of the total land area permitted for on-farm diversified uses on the lot, to a maximum of 600 square metres (Section 79A(1)(d)). This maximum is exceeded alone by the heavy vehicle storage, which is 3,160 square metres. Finally, on-farm diversified uses have the same limitations as home-based businesses to three heavy vehicles associated with an OFDU (s.79A(1)(g)).

The Province's Guidelines for Permitted Uses in Prime Agricultural Areas is clear that on farm- diversified and agricultural-related uses that grow beyond the area limits set out by the policies in place, either incrementally or otherwise, should not be supported. Section 2.3.3. of the Province's Guidelines for Permitted Uses in Agricultural Area states that large-scale equipment or vehicle dealerships, landscape businesses, manufacturing plants, trucking yards are typically not considered on-farm diversified uses.

Planning policy does support home-based businesses on farms to promote rural economic diversification. However, it is clear from both the Provincial Planning Statement, the Provincial Guidelines, the City of Ottawa's Official Plan and Zoning By-law that protecting the integrity of the agricultural system and rural character of the area takes precedent over the continued growth of home-based businesses. Once home-based businesses reach a point where they outgrow the lot area maximums permitted, if further growth is desired then relocation needs to be considered onto a lot more suitable for the land use.

Staff are recommending refusal of this minor zoning by-law amendment on the basis that the applicant has not adequately addressed how legalizing the components of the businesses on the property is minor in nature and good planning. The businesses' current scale and operations at 6158 Rideau Valley Drive is not an appropriate land use within a prime agricultural area. Staff do not support the current operations as home-based businesses given the current scale at 6158 Rideau Valley Drive and do not find the land uses to be in accordance with the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is not consistent with the 2024 Provincial Planning Statement.

RURAL IMPLICATIONS

If the application is refused as recommended by staff, a portion of the businesses presently located at 6158 Rideau Valley North will have to relocate to continue lawful operation. If the application is approved as requested by the applicant, there will likely be continued impacts to the quality of life for nearby residential uses, possible issues with water quality and quantity due to unknowns posed by the existing development not being designed up to City standards, and the potential degradation/fragmentation of prime agricultural land.

COMMENTS BY THE WARD COUNCILLOR

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

LEGAL IMPLICATIONS

In the event that Committee adopts the recommendations in this report and refuses the zoning amendment, the Applicant will have the right to appeal the matter to the Ontario Land Tribunal. It is estimated that a hearing of up to five days duration could result. It is anticipated that such hearing could be conducted within staff resources. Should Council determine to adopt a zoning amendment as requested by the Applicant, only specified persons identified in the Planning Act (essentially utility providers, government agencies and First Nations, subject to the requirement in each case of having provided written or oral comments) would have a right to appeal the resulting zoning by-law. It is not anticipated that such an appeal would be received.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

In the event of an appeal, the hearing would be done from within existing staff resources.

ACCESSIBILITY IMPACTS

Accessible design would have been considered if the existing development had been considered through the site plan control process. Given staff's recommended refusal of the rezoning, potential concerns over accessibility were not explored for this application.

DELEGATION OF AUTHORITY IMPLICATIONS

Delegated Authority By-law 2024-265 Schedule "I" authorizes the Managers of Development Review to approve minor zoning amendment applications. As staff are recommending refusal of the application, delegated authority is not applicable in this circumstance.

TERM OF COUNCIL PRIORITIES

This report has no direct impacts on the 2023-2026 Term of Council Priorities.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-24-0027) was not processed by the "On Time Decision Date" established for the processing of Minor Zoning By-law Amendment due to the complexity of the file and the applicant wishing to pursue issue resolution.

SUPPORTING DOCUMENTATION

Document 1 – Zoning Key Map

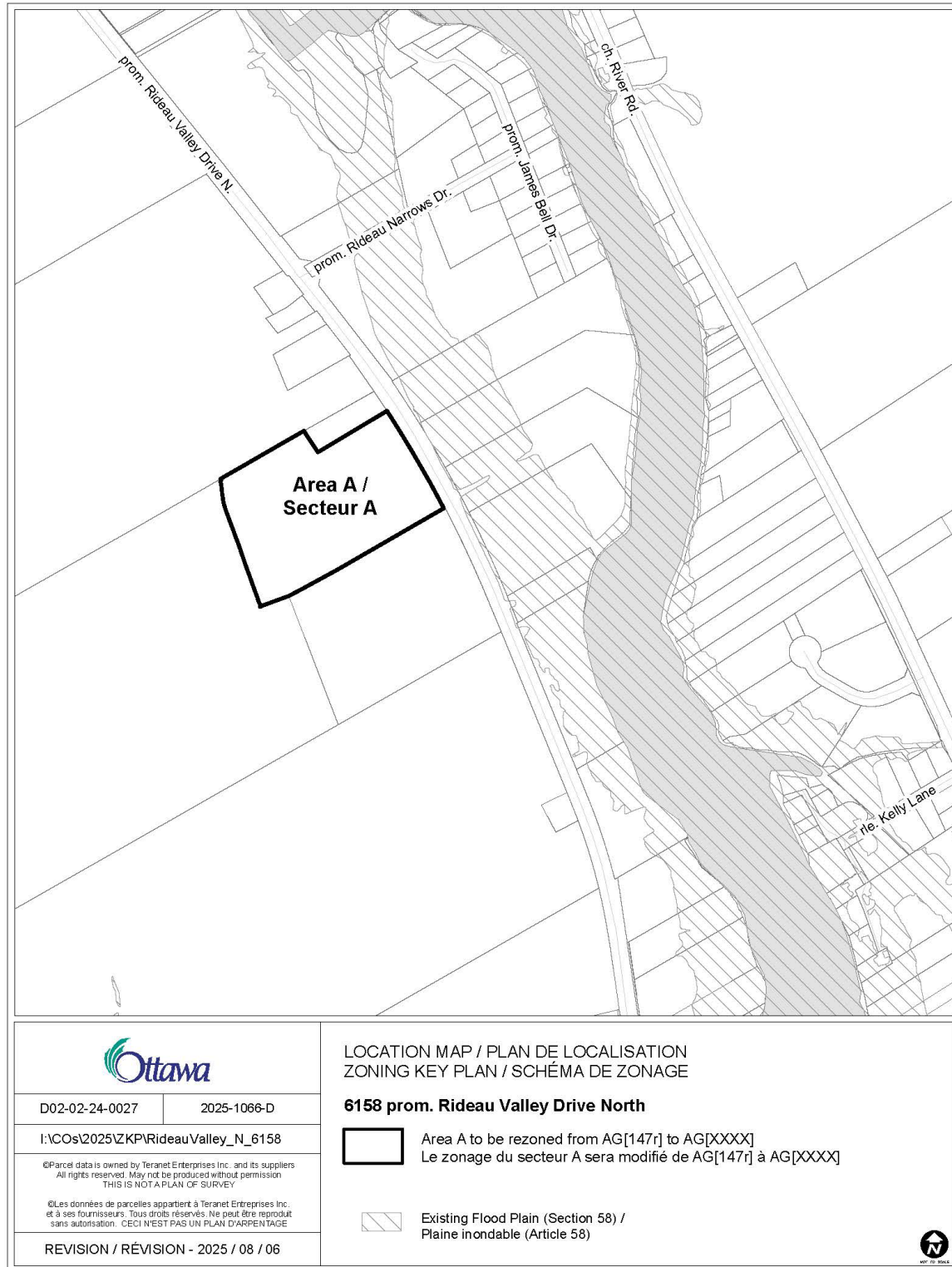
Document 2 – Consultation Details

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner, applicant, and Krista O'Brien, Program Manager, Tax Billing & Control, Finance and Corporate Services Department (Mail Code: 26-76) of City Council's decision.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Zoning Key Map



Document 2 – Public Consultation Details

Notification and Consultation Process Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Six community members provided comments on the proposal.

Public Comments and Responses

Comment 1:

The operation of trucks on the site produces noise mainly during the daytime but also during the night when trucks return. The noise results in vibrations that can be felt in nearby homes.

Response:

On-farm diversified uses and agricultural-related uses, which home-based businesses on farms, are subject to limitations on size, scale and location to minimize the impact on farm operations as well as on the local rural character. An Air Quality and Land Use Compatibility Study was submitted by the Applicant in support of the Zoning By-law Amendment. The study did not address noise generated by the trucking business.

Sections 128(16) and 79A(1)(g) in the Zoning By-law restrict the parking of heavy vehicles for home-based businesses to three in this circumstance. The limitation on the number of heavy vehicles permitted on a property is meant to help prevent noise complaints and safety concerns that can result from the frequent movement of heavy vehicles. Increasing the number of heavy vehicles permitted on the property will likely not address noise and vibration issues affecting neighbouring residences.

Comment 2:

Dust is generated by the truck traffic around the yard and wind blowing over the landscaping material stockpiles.

Response:

The Air Quality and Land Use Compatibility Study submitted by the Applicant in support of the application advised that sensitive properties are not downwind of the study site, therefore any dust impacts from unpaved roads and storage piles are infrequent. The study recommended that best dust management practices should still be utilized to further limit any potential impacts. These best practices include providing full or partial enclosures, locating storage materials against more durable materials or covering them,

limiting the height and slope of storage piles and applying water / dust suppressants to the stored materials.

Comment 3:

The heavy vehicles on the property generate odour from the diesel fumes while idling.

Response:

Similar in nature to the noise and vibration issue discussed above in response to Comment 1, the limitation on the number of heavy vehicles permitted on a property is meant to curtail nuisances that come from the operation of large vehicles operating on diesel.

Comment 4:

There is a risk of source water protection contamination caused by the storage of fertilizer and fuel on the site.

Response:

The property is within the Mississippi-Rideau Source Protection Region and is subject to policies of the [Mississippi-Rideau Source Protection Plan](#). The site is not within an Intake Protection Zone or Wellhead Protection Zone, which are areas where source water protection policies apply to protect municipal drinking water resources from potential contamination from significant drinking water threat activities. As such, there are no legally-binding Source Protection Plan policies that apply for this property.

An Environmental Compliance Approval may be required for the onsite activities (including the storage of commercial fertilizer), which is reviewed and approved by the Ontario Ministry of the Environment, Conservation and Parks. The Environmental Compliance Approval is intended to ensure the surrounding lands and water are protected from contamination from the proposed onsite activities. If the proposed development were to go through site plan control, City staff would likely require that the property owner obtain an ECA.

Comment 5:

If the application is approved, a future owner could be permitted to park heavy vehicles along Rideau Valley Drive, which would negatively impact the rural character of the area.

Response:

In the Agricultural zone, the Zoning By-law requires that outdoor storage in association with a home-based business that abuts a public street be screened by an opaque screen or fence that is at least 1.4 metres tall. Currently, the heavy vehicles are parked in an informal parking area approximately 215 metres set back from the road and are not visible from the roadway. There are other aspects of the home-based businesses, such as the landscaping materials and temporary parking for the Miller Market that are visible from the roadway. Potential issues regarding outdoor storage and parking are usually addressed through the site plan control process.

Comment 6:

An expert land use planning opinion prepared by Michael Barton, a Registered Professional Planner with M1B Development Consultants Inc. was submitted by a community member as part of the public circulation of this application. The planning report detailed two areas of concern with regards to the requested amendment. This opinion is summarized below:

1) Lack of consistency of the requested zoning by-law amendment with the 2024 Provincial Planning Statement (PPS) given the scale and nature of the businesses.

The PPS limits activities in prime agricultural areas to agriculture-related uses, on-farm diversified uses, home-occupations and home industries. Based on the description of the existing businesses provided by the Applicant, the business do not qualify in that they are not directly related to farm operations in the area, they do not support agriculture, they do not benefit from being in close proximity to farm operations, and they do not provide direct products and/or services to farm operations as a primary activity.

The scale of the businesses is not secondary or accessory to the agricultural use, as required by the 2024 PPS. The businesses function independently from the agricultural use of the Subject Property, as evidenced by the number of structures used for the operation of these businesses and heavy vehicle traffic generated.

Further, the existing uses are inconsistent with the surrounding rural character and are more characteristic of uses in “Employment Areas”,

2) Locating these specific non-agricultural uses on agricultural land rather than within the City’s urban area is not supported by the City Ottawa’s Official Plan (OP) policies or Zoning By-law.

The Subject Property is designated as Agricultural Resource Area in the Official Plan (OP), allowing normal farm practices, on-farm diversified uses (OFDUs), and agriculture-related uses. These uses must be compatible with nearby agricultural operations and comply with size, scale, and location limits set by the Zoning By-law.

The property is not designated as Industrial and Logistics, which applies to urban areas and permits heavy and light industrial activities such as manufacturing, warehousing, and large-scale outdoor storage or sales.

The proposed amendment would allow Industrial and Logistics uses that conflict with the rural character of the area and therefore does not align with OP policies for Agricultural Resource Areas.

Additionally, the existing businesses on the property do not qualify as home-based or on-farm diversified uses. Their scale, traffic impact, and the primary use of structures for business purposes make them neither secondary to the residence nor ancillary to farming. As such, they are not supported by the Zoning By-law.

Response:

Staff acknowledge the submission of the expert land use planning opinion prepared by Michael Barton, M1B Development Consultants Inc.