

6. ZONING BY-LAW AMENDMENT – PART OF 1192 KILMAURS SIDE ROAD  
MODIFICATION DU *RÈGLEMENT DE ZONAGE* – PARTIE DE CHEMIN 1192  
KILMAURS SIDE

**COMMITTEE RECOMMENDATION**

That Council approve an amendment to Zoning By-law 2008-250 for Part of 1192 Kilmaurs Side Road, for the purposes of rezoning a portion of the lands from Agricultural Subzone 2 (AG2) and Rural Countryside Zone (RU) to Agricultural Subzone 6 (AG6), and Rural Countryside Zone, Exception 834r (RU[834r]) to prohibit residential uses on the retained farmland, as detailed in Document 2.

**RECOMMANDATION DU COMITÉ**

Que le Conseil approuve une modification du *Règlement de zonage 2008-250* visant à ce que le zonage d'une partie du 1192, chemin Kilmaurs Side, passe de Zone agricole, sous-zone 2 (AG2) et zone d'espace rural (RU) à Zone agricole, sous-zone 6 (AG6) et zone d'espace rural, exception 834r (RU[834r]), afin d'interdire toute utilisation résidentielle sur les terres agricoles conservées, comme le précise le document 2.

**Documentation/Documentation**

Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 22, 2019 (ACS2019-PIE-PS-0091)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 22 août 2019 (ACS2019-PIE-PS-0091)

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 6  
SEPTEMBER 11, 2019**

**55**

**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 6  
LE 11 SEPTEMBRE 2019**

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
5 September 2019 / 5 septembre 2019**

**and Council  
et au Conseil  
11 September 2019 / 11 septembre 2019**

**Submitted on 22 August 2019  
Soumis le 22 août 2019**

**Submitted by  
Soumis par:**

**Lee Ann Snedden  
Director / Directrice**

**Planning Services / Services de la planification**

**Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

**Contact Person / Personne ressource:**

**Seana Turkington, Planner / Urbaniste, Development Review Rural / Examen des  
demandes d'aménagement ruraux**

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**Ward: WEST CARLETON-MARCH (5)**

**File Number: ACS2019-PIE-PS-0091**

**SUBJECT: Zoning By-law Amendment – Part of 1192 Kilmaurs Side Road**

**OBJET: Modification du *Règlement de zonage* – partie de chemin 1192  
Kilmaurs Side**

## REPORT RECOMMENDATIONS

1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for Part of 1192 Kilmaurs Side Road, for the purposes of rezoning a portion of the lands from Agricultural Subzone 2 (AG2) and Rural Countryside Zone (RU) to Agricultural Subzone 6 (AG6), and Rural Countryside Zone, Exception 834r (RU[834r]) to prohibit residential uses on the retained farmland, 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 City Clerk and Solicitor's Office 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 11, 2019," 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 du *Règlement de zonage 2008-250* visant à ce que le zonage d'une partie du 1192, chemin Kilmaurs Side, passe de Zone agricole, sous-zone 2 (AG2) et zone d'espace rural (RU) à Zone agricole, sous-zone 6 (AG6) et zone d'espace rural, exception 834r (RU[834r]), afin d'interdire toute utilisation résidentielle sur les terres agricoles conservées, comme le précise le document 2.
2. Que le Comité de l'agriculture et des affaires rurales donne son approbation à ce 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 de l'avocat général 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 11 septembre 2019, 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

1192 Kilmaurs Side Road

### Owner

Tricia Schouten

### Applicant

Tricia Schouten

### Description of site and surroundings

This subject site is located on Kilmaurs Side Road within Ward 5 with an approximate total size of 50.3 hectares. The parcel is surrounded with similar agricultural operations and rural residential dwellings. The property currently has one detached dwelling, accessory structures, and associated well and septic.

### Summary of requested Zoning By-law amendment proposal

The application has been submitted in order to fulfill a condition of severance approval imposed by the Committee of Adjustment with respect to application D08-01-18/B-00415. The intent is to prohibit residential uses on the retained lands.

### **Brief history of proposal**

Initially, the lands to which the proposed Zoning By-law amendment applies were the subject of an application to sever off two lots from 1192 Kilmaurs Side Road. One lot was to be occupied by the existing house (application number D08-01-18/B-00415) and the second was to be utilized for residential development (application number D08-01-18/B-00416). The original severance request was granted by the Committee of Adjustment at the hearing of January 16, 2019. In March of 2019, the Planning Department received the hydrogeological report as per one of the conditions associated with the consent applications. Due to concerns with regards to adequate water supply, the applicant decided to let application B-00416 lapse and sever the existing house (consent application B-00415) with the balance of the land to be utilized for agricultural purposes.

On July 2, 2019 the applicant submitted a change in condition request to the Committee of Adjustment to remove the hydrogeological condition associated with both consent applications (B-00415 and B-00416) and include a Zoning By-law Amendment condition to restrict residential development on the retained parcel. Part of the retained parcel is currently utilized for agricultural purposes, while the remaining area is vacant and has clusters of significant vegetation. At the hearing of July 3, 2019, the Committee of Adjustment approved the change in condition request. As such, the consent application of 1192 Kilmaurs Side Road has evolved to become a surplus farm dwelling severance and the normal associated conditions with a surplus farm severance have been imposed.

The site is currently zoned Agriculture, Subzone 2 (AG2) and Rural Countryside Zone (RU). It is proposed to rezone approximately 49 hectares of farmland to Agriculture Zone, Subzone 6 (AG6) and Rural Countryside Zone, Exception 834r (RU[834r]) to prohibit future residential use in accordance with a condition of severance. The proposed exception would restrict residential development, but still allow other permitted uses associated with the RU zone. The remaining land area containing the existing farm dwelling, well, septic and accessory building (approximately 1.35 hectares) will remain zoned RU.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. One member of the public submitted a comment expressing concerns about how this proposed Zoning By-law amendment would impact their property's zoning. This re-zoning will not impact the zoning of other properties in the area.

### **Official Plan Designations**

The property is designated General Rural Area and Agricultural Resource Area as per Schedule A of the Official Plan. The General Rural Area designation, which aligns with the portion of the property zoned RU, enables land to be utilized for both agricultural and non-agricultural purposes, including a limited amount of residential development via severance. Section 3.7.2.10(a) permits a maximum of two lots to be severed from a lot existing as of May 14, 2003. Once two lots have been severed off, no further severance will be permitted. It was under this policy that the applicant initially intended to sever the property.

The Agricultural Resource Area designation protects prime agricultural areas from loss of lands to other uses. Severances are permitted for a surplus dwelling due to farm consolidation [Section 3.7.3.7]. Section 3.7.3.8.b requires the vacant agricultural parcel be rezoned to prohibit any future residential use, and (8c) stipulates that the size of the severed lot be a size that minimizes the loss of agricultural lands. This Zoning By-law amendment application satisfies the requirements of the Official Plan [Section 3.7.3.8.b] as conditioned by the Committee of Adjustment.

### **Other applicable policies and guidelines**

The subject site is not within the boundary of any applicable Secondary Plans or Community Design Plans. As the property is within the rural area and is reliant on

private servicing, the Provincial D-5-4 (pertaining to on-site sewage systems) and D-5-5 (pertaining to private wells) guidelines are applicable. Severances of vacant land designated General Rural Area require that a hydrogeological report be submitted to City staff and comply with the D-5-4 and D-5-5 guidelines. Surplus Farm Dwelling severances are not subject to the hydrogeological condition as the parcels are serviced by pre-existing well and septic systems.

The D-5-4 guidelines ensure that any proposed septic system has limited potential to adversely impact groundwater supplies, while D-5-5 ensures that a lot has the ability to be sufficiently serviced with an adequate quality and quantity of water.

### **Urban Design Review Panel**

This application was not subject to review by the Urban Design Review Panel.

### **Planning Rationale**

This Zoning By-law amendment will affect approximately 49 hectares of land, some of which is utilized for agricultural purposes and some of which is currently vacant and occupied by significant clusters of vegetation, as shown in Document 1. This Zoning By-law amendment to rezone the remnant agricultural lands from AG2 to AG6 and RU to RU[834r] fulfills a condition relating to the approval of surplus farm dwelling severance application heard by the Committee of Adjustment. Staff had no concerns with the severance application and have determined that the proposed rezoning is consistent with the Official Plan. No new development is proposed.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

### **RURAL IMPLICATIONS**

This Zoning By-law amendment restricts new residential development and prevents the loss of agricultural land to other competing uses. This Zoning By-law amendment protects the rural landscape by supporting the continued productive use of agricultural lands.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor El-Chantiry is aware of this application.

## **LEGAL IMPLICATIONS**

There are no legal impediments to the implementation of the recommendations of this Report.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risks associated with this application.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this application.

## **ENVIRONMENTAL IMPLICATIONS**

This Zoning By-law amendment will prevent fragmentation of agricultural land and protecting farmland in the City's Agricultural Resource Area.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- ES1 – Support an environmentally sustainable Ottawa.
- ES2 – Reduce long-term costs through planned investment and staging of diversion and conservation strategies.



## **APPLICATION PROCESS TIMELINE STATUS**

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

## **CONCLUSION**

Planning, Infrastructure and Economic Development supports this Zoning By-law amendment as it is consistent with the intent of the City's Official Plan and the Zoning By-law.

## **DISPOSITION**

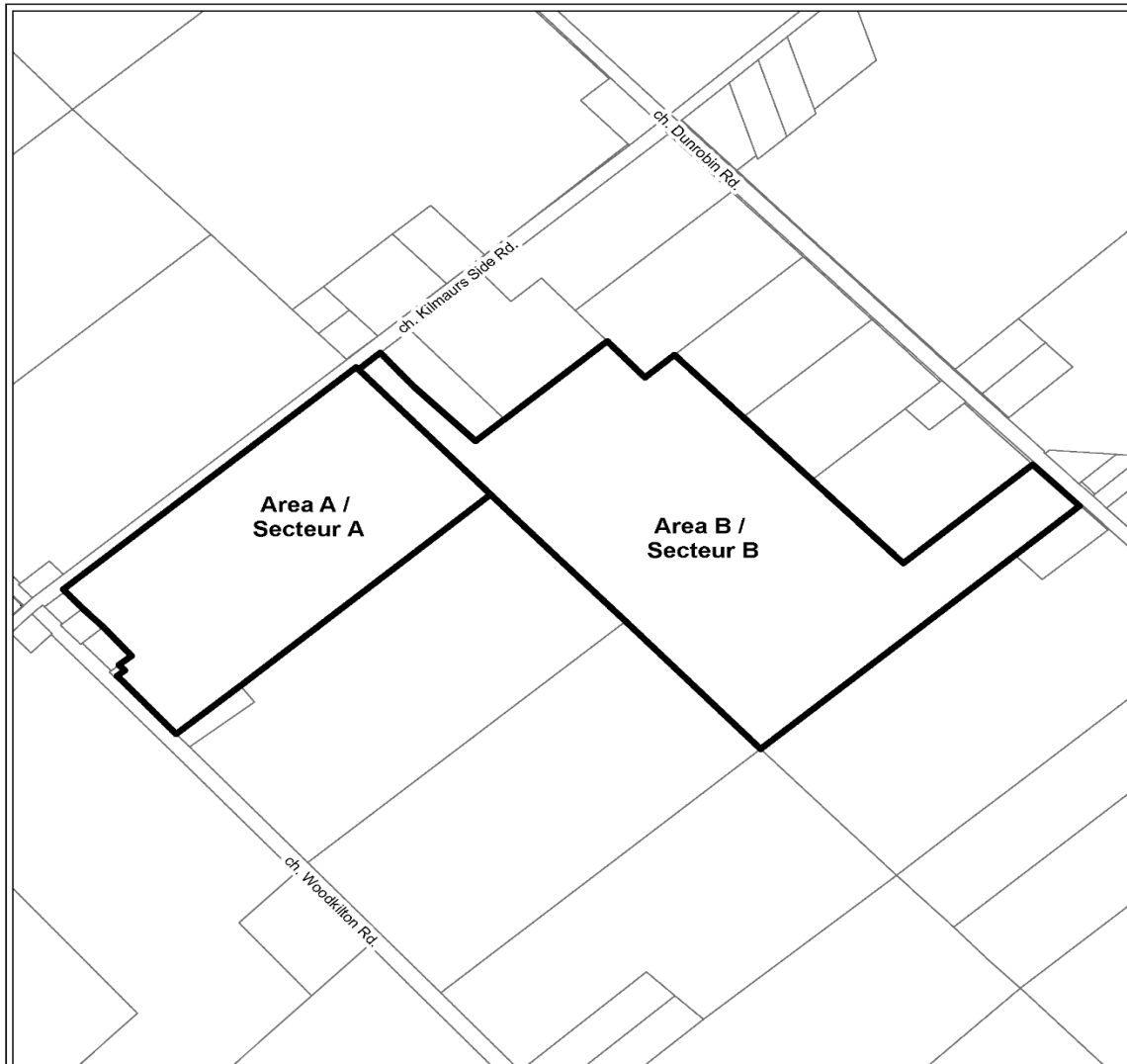
Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.




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, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-19-0075	19-0769-X	 1192 chemin Kilmaurs Side Road	
I:\CO\2019\Zoning\Kilmaurs_1192		Area A to be rezoned from AG2 to AG6 Le zonage du secteur A sera modifié de AG2 à AG6	
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers                  All rights reserved. May not be produced without permission                  THIS IS NOT A PLAN OF SURVEY</small>		Area B to be rezoned from RU to RU[834r] Le zonage du secteur B sera modifié de RU à RU[834r]	
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REVISION / RÉVISION - 2019 / 08 / 16			

## **Document 2 – Details of Recommended Zoning**

It is proposed to amend the City of Ottawa's Zoning By-law 2008-250 for Part of 1192 Kilmaurs Side Road to rezone the lands shown in Document 1 as follows:

1. Rezone the lands shown as Area A in Document 1 from AG2 to AG6.
2. Rezone the lands shown as Area B in Document 2 from RU to RU[834r].
3. Add a new exception [834r] to Section 240—Rural Exceptions with provisions similar in effect to the following:
  - a. In Column IV, Land Uses Prohibited:  
  
All residential uses