

- 4. Zoning By-Law Amendment – 4220 (4140) Upper Dwyer Hill Road**  
**Modification du règlement de zonage - 4220 (4140), chemin Upper Dwyer Hill**

**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for part of 4220 Upper Dwyer Hill Road for the purposes of rezoning the lands from Agricultural Zone (AG) to Agricultural Zone, Subzone 4 (AG4), to prohibit residential uses on the retained farmland, as detailed in Document 2.**

**RECOMMANDATION DU COMITÉ**

**Que le Conseil approuve une modification au Règlement de zonage 2008-250 concernant une partie de la propriété située au 4220, chemin Upper Dwyer Hill dans le but de changer le zonage du terrain de Zone agricole (AG) à Zone agricole, sous-zone 4 (AG4), pour interdire toute utilisation résidentielle sur les terres agricoles conservées, comme l'explique en détail le document 2.**

**Documentation/Documentation**

**Acting Director's report, Planning, Real Estate and Economic Development, dated January 18, 2022 (ACS2022-PIE-PS-0009)**

**Rapport de la Directrice par intérim, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 18 janvier 2022 (ACS2022-PIE-PS-0009)**

**Subject: Zoning By-law Amendment – 4220 (4140) Upper Dwyer Hill Road**

**File Number: ACS2022-PIE-PS-0009**

**Report to Agriculture and Rural Affairs Committee on 3 February 2022**

**and Council 9 February 2022**

**Submitted on January 18, 2022 by Lily Xu, Acting Director, Planning, Real Estate  
and Economic Development**

**Contact Person: Mark Gordon, Planner I, Development Review Rural**

**613-580-2424, 23216, Mark.Gordon@Ottawa.ca**

**Ward: West Carleton-March (5)**

**Objet : Modification du Règlement de zonage - 4220 (4140), chemin Upper  
Dwyer Hill**

**Dossier : ACS2022-PIE-PS-0009**

**Rapport au Comité de l'agriculture et des affaires rurales**

**le 3 février 2022**

**et au Conseil le 9 février 2022**

**Soumis le 18 janvier 2022 par Lily Xu, Directrice par intérim, Direction générale de  
la planification, des biens immobiliers et du développement économique**

**Personne ressource : Mark Gordon, Urbaniste I, Examen des demandes  
d'aménagement ruraux**

**613-580-2424, 23216, Mark.Gordon@Ottawa.ca**

**Quartier : West Carleton-March (5)**

## **REPORT RECOMMENDATIONS**

- 1. That Agriculture and Rural Affairs Committee recommend Council approve  
an amendment to Zoning By-law 2008-250 for part of 4220 Upper Dwyer Hill**

Road for the purposes of rezoning the lands from Agricultural Zone (AG) to Agricultural Zone, Subzone 4 (AG4), 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 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 February 9, 2022 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 au Règlement de zonage 2008-250 concernant une partie de la propriété située au 4220, chemin Upper Dwyer Hill dans le but de changer le zonage du terrain de Zone agricole (AG) à Zone agricole, sous-zone 4 (AG4), pour interdire toute utilisation résidentielle sur les terres agricoles conservées, comme l'explique en détail le document 2 :
2. Que le Comité de l'agriculture et des affaires rurales approuve l'inclusion de la section du présent rapport consacrée aux détails de la consultation 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 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 9 février 2022 », 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**

4220 (4140) Upper Dwyer Hill Road

### **Owner**

Cheryl Caswell

### **Applicant**

David Scott Murray

### **Description of site and surroundings**

The subject property is located on the northeast side of Upper Dwyer Hill Road, south of the Mississippi River. The lands to be rezoned have a frontage of approximately 708.96 metres on Upper Dwyer Hill Road and a lot area of approximately 51 hectares. The site is currently zoned Agricultural (AG) and contains two small storage buildings. The property is surrounded by agricultural parcels.

The purpose of this Zoning By-law amendment is to prohibit residential development on the retained agricultural portion so as to protect the lands for long term agricultural use.

### **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 applications D08-01-21/B-00194. The intent is to prohibit residential uses on the retained lands.

## **Brief history of proposal**

An application to sever a surplus farm dwelling and accessory structures from 4220 Upper Dwyer Hill Road was granted by Committee of Adjustment Panel 3 on August 4, 2021. Staff had no concerns with the initial severance application.

This rezoning application has been submitted to fulfill a condition that residential development be prohibited, which was imposed on application D08-01-21/B-00194 by the Committee. Once the severance is finalized, the retained farmland will become known as 4140 Upper Dwyer Hill Road.

## **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. No concerns were identified.

### **Official Plan designations**

Because this Zoning By-law Amendment application was received before the [new Official Plan](#) was adopted by Council (October 27, 2021), it was reviewed and assessed on the basis of the existing Official Plan according to the Council-approved policy for “Transition of In-stream Applications”. In addition, the policies in the new Official Plan were examined against this application.

### **Existing Official Plan**

The property is designated as Agricultural Resource Area as per Schedule A of the existing Official Plan. 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 under Section 3.7.3.9 and 10.

Section 3.7.3.10.b requires the vacant agricultural parcel be rezoned to prohibit any future residential use, and (10 c) 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 3.7.3.10.b] as conditioned by the Committee of Adjustment.

## **New Official Plan**

The property is designated Agricultural Resource Area as per Schedule B9. The Agricultural Resource Area designation protects lands with Land Evaluation and Area Review (LEAR) Class 1, 2, and 3 soils for long terms agricultural production. Protection of lands identified through LEAR is accomplished through limiting development that would compromise productivity of agricultural operations. Section 9.1.3 of the New Official Plan "Protect farmland from uses that would impede productive farming operations" Policy 3) prohibits lot creation unless the lot contains a habitable dwelling made surplus through farm consolidation. In such cases, as a condition of severance, the agricultural parcel is required to be zoned to prohibit residential uses. Surplus farm dwelling severances must fulfill other criteria which are assessed at the point of severance application.

## **Planning rationale**

This Zoning By-law amendment will affect approximately 51 hectares of agricultural land, as shown in Document 1. This change is to rezone the retained parcel identified as 4140 Upper Dwyer Hill Road in Document 1, from Agricultural Zone (AG) to Agricultural Zone, Subzone 4 (AG4) fulfills a condition relating to the approval of surplus farm dwelling severance application granted by the Committee of Adjustment on August 4, 2021. Staff had no concerns with the severance application and have determined that the proposed rezoning is consistent with both the existing Official Plan, the new Official Plan, and the Zoning By-law. No new development is proposed.

## **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

## **RURAL IMPLICATIONS**

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

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor El-Chantiry is aware of the application related to this report.

## **LEGAL IMPLICATIONS**

There are no legal implications associated with implementing the recommendations contained within this report.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risks management implications relating to this application.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications relating to this application.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this application.

## **ECONOMIC IMPLICATIONS**

There are no economic impacts associated with this application.

## **CLIMATE IMPLICATIONS**

There are no climate implications associated with this application.

## **ENVIRONMENTAL IMPLICATIONS**

Approval of the recommended Zoning By-law amendment will prevent fragmentation of land within the City's Agricultural Resource Area. As such, the lands will be preserved for continued farming. Agricultural systems provide habitat for species of flora and

fauna. Further, agricultural lands contribute to contribute to environmental health through ecological service functions.

## **INDIGENOUS GENDER AND EQUITY IMPLICATIONS**

This application has no Indigenous or gender equity implications.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities
- Environmental Stewardship

## **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-21-0094) 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 Rezoning

## **CONCLUSION**

The Planning, Real Estate and Economic Development Department supports this Zoning By-law amendment as it is consistent with the Provincial Policy Statement, the City's old Official Plan, the City's new Official Plan, and the Zoning By-law.

## **DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (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.

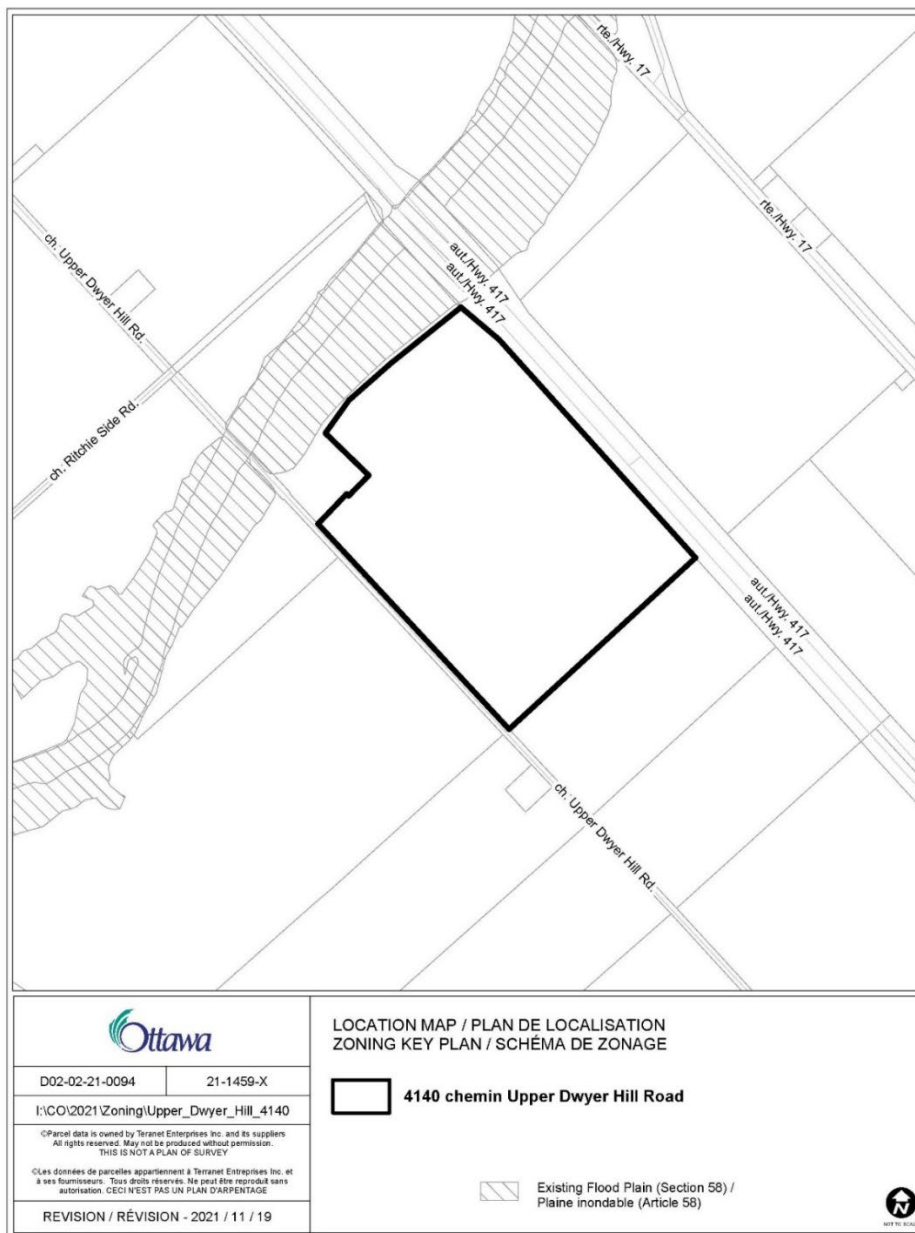
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

## Document 1 – Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](https://geoottawa.ca/)

Document 1 is a location map that shows the portion of 4220 (4140) Upper Dwyer Hill Road that is subject to rezoning application D02-02-21-0094.



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

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 4220 (4140) Upper Dwyer Hill Road:

1. Rezone the lands shown as 4140 Upper Dwyer Hill Road in Document 1 from AG to AG4.