

April 7, 2022

City of Ottawa
110 Laurier Avenue West
Ottawa, ON
K1P 1J1

To Whom it May Concern:

RE: Zoning By-Law Amendment (Minor)
8005 Jock Trail
Part Lot 9, Concession 3
Geographic Township of Goulbourn
City of Ottawa
Owner(s): Tom and Janet Moul

ZanderPlan has been retained by the property owners to assist with a Minor Zoning By-Law Amendment for their lands located at 8005 Jock Trail in the City of Ottawa. The property is currently zoned Agricultural Subzone 3 (AG3) and is used for the growing of crops for the Moul's established vineyard. The property owners wish to use part of an existing building on their property, currently used for wine production and tasting, as a place of assembly. A place of assembly is contemplated in the City's On-Farm Diversified Use (OFDU) Provisions of the Zoning By-law. However, the proposal does not comply with all of the OFDU policies in the Zoning By-law, specifically Section 79A(d)(i) which limits the area of a place of assembly to 150m², because the floor area proposed to be used as a place of assembly is 385.7m². Thus, a minor Zoning By-law Amendment application is required to recognize that the place of assembly is larger than permitted. This planning rationale describes the Subject Property, Development Proposal, Surrounding Area, and demonstrates that the proposal meets the intent of the Provincial Policy Statement, the City of Ottawa's Current and New Official Plans, and the City's Zoning By-law; specifically, the new On-Farm Diversified Use Provisions.

Subject Property

The subject lands fall within Part of Lot 9, Concession 3 in the Geographic Township of Goulbourn. The property is approximately 15.25 hectares in size with 306 metres of frontage on Jock Trail. An aerial image of the subject lands is shown in Figure 1 below. The property consists primarily of hay fields and fields that serve the vineyard and a small orchard. There is existing vegetation towards the rear of the property, which abuts the Jock River. Towards the rear of the property is a farm house with associated private services, tractor shed and coverall barn. Towards the front of the property is a crush pad (used primarily for the wine making process), and a winery building.

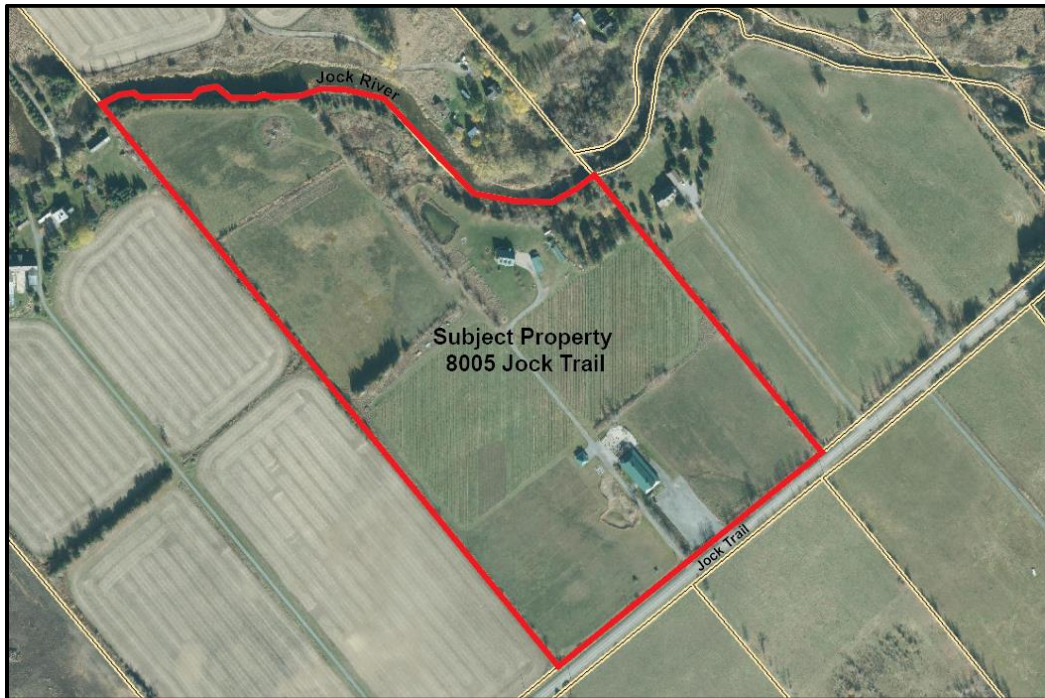


Figure 1. Aerial View of Subject Property (Source: AgMaps)

Development Proposal

The winery building on-site is used for wine production from mid-September to May, and customer tasting from June to December. There is a retail store and storage areas in the building that operate year-round. All uses inside the building are permitted in the Agricultural Subzone Three (AG3), which is the zone that the subject lands fall into. From June to September, during winery tasting season, the owners wish to use part of the winery building as an event space (Place of Assembly as defined in the Zoning By-law.). The primary use of the building will continue to be wine tasting, and events will occur once the winery is closed for the day. As shown in Figure 2, the floor areas in the building that are used for events include the porch, wine tasting area, wine lab and washrooms. The wine lab will be used as a plating area for catering companies during events. The place of assembly has a combined floor area of 385.7m² (4,152ft²).

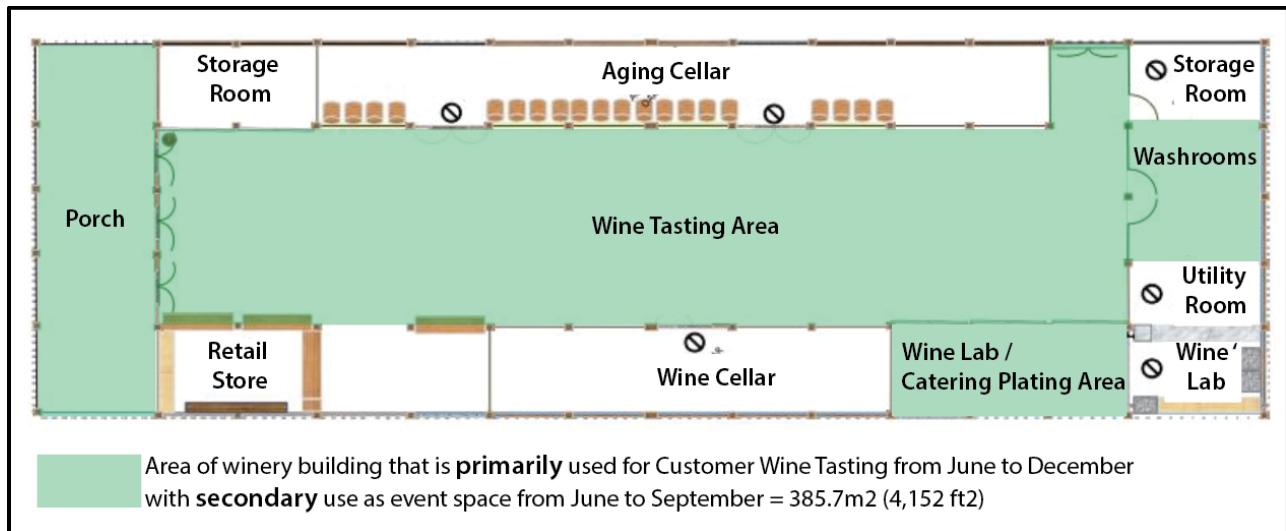


Figure 2. Floor Plan of Winery Building Showing Areas to be Used as a Place of Assembly

There is an existing stone patio to the rear of the winery building that is primarily used as a customer tasting patio during winery tasting season, but is also available to the guests' attending events. The patio is approximately 780m². Towards the rear of the property is a clearing, surrounded by trees and abutting the Jock River, which is proposed to be used for outdoor ceremonies. Customers can also choose to have ceremonies in the orchard. The ceremony space by the Jock River, as well in the orchard, each use a maximum of 98m² of land. The size of the ceremony areas was determined by the owners and are based on the capacity limit of the indoor event space. There is an existing gravel parking area between the road and the winery building which contains spaces associated with the winery, retail store, and place of assembly. The parking area is large to accommodate large truck deliveries, as the winery operation requires a sufficient turn radius for 18-wheelers. As mentioned, events occur once the winery has closed for tasting for the day, so guests from the winery and the place of assembly do not share parking spaces as they are not present at the same time.

Surrounding Area

The subject lands are in an area characterized by Agricultural and Rural activity. The property abuts the Jock River to the north, with large agricultural lots in an Agricultural Subzone (AG2) beyond the river. Across Jock Trail to the southeast are large rural lots in the Rural (RU) zone and covered primarily with open fields. The two immediate lots to the west, on the north side of Jock Trail, are in the Agricultural (AG) zone and contain open fields.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of Provincial interest related to land use planning and development. The PPS is issued under Section 3 of the *Planning Act* and approval authorities are required to ensure that decisions on planning matters are consistent with the policies. The following policies are relevant to this proposal.

Section 1.0 of the Provincial Policy Statement provides policies for Building Strong Healthy Communities, with Section 1.1 providing policies for Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. The Zoning By-law Amendment will allow for an On-Farm Diversified Use on the subject property which efficiently uses the lands, and provides employment opportunities to meet long-term needs, which will help to sustain a healthy, liveable and safe community as per Section 1.1.1. Section 1.1.4 of the PPS contains policies that apply to lands in Rural Areas in Municipalities. The subject lands are recognized as a prime agricultural area. The proposed development will support a healthy, integrated and viable rural area by allowing for diversification of the economic base and employment opportunities, providing opportunities for sustainable and diversified tourism, and providing an opportunity for economic activities in a prime agricultural area (Sec. 1.1.4.1f, 1.1.4.1g & 1.1.4.1i).

Section 1.1.5 provides policies for development that takes place on Rural Lands in Municipalities. The use of a place of assembly is permitted on rural lands as it is recognized in the Zoning By-law as an on-farm diversified use (Sec. 1.1.5.2 that would be compatible with the existing agricultural and rural uses in the area). The proposed use is appropriate for Rural Lands as it allows for tourism and other economic opportunities, is compatible with the rural landscape and can be sustained by rural service levels, and avoids the need for unjustified and/or uneconomical expansion of infrastructure (Sec. 1.1.5.3, 1.1.5.4 & 1.1.5.5). The Zoning By-law Amendment which will allow for the place of assembly represents an opportunity to support a diversified rural economy, while at the same time protecting agricultural and other resource-related uses (Sec. 1.1.5.7). Section 1.1.5.8 of the PPS requires that new land uses shall comply with the minimum distance separation (MDS) formulae. MDS is not required for this Zoning By-law amendment.

Section 1.2 of the Provincial Policy Statement ensures a coordinated approach to land use planning, with Section 1.2.6 speaking to Land Use Compatibility noting that “major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects”. The proposed use is not considered a major facility, nor are there any major facilities nearby that would affect the proposed use.

Section 1.3 of the PPS provides policies for Employment. A place of assembly on the subject lands will provide for an increase in employment opportunities. It is anticipated that the increase in uses on the site will lead to more employment opportunities for and within the City, which will contribute to a diversified economic base (Sec. 1.3.1a & Sec. 1.3.1b)

Section 1.6 of the Provincial Policy Statement provides policies for Infrastructure and Public Service Facilities, with Section 1.6.6 outlining policies for Sewage, Water and Stormwater. Municipal sewage services and municipal water services are not available for the subject property. The development will make use of existing private sewage services and private water services, which will be addressed at the Site Plan stage of development.

Section 2.0 of the Provincial Policy Statement provides policies for ensuring Wise Use and Management of Resources. As per Section 2.1, there are no known Natural Heritage Features on or abutting the property that would be affected by the proposed development. Section 2.2 of the PPS provides policies for protecting, improving or restoring the quality and quantity of water. The subject lands abut the Jock River, but the winery building is located more than 200m from the Jock River, and no new buildings are being proposed as part of this Zoning By-law Amendment. The quality and quantity of ground water can be assessed at the Site Plan Stage if required. Section 2.3 provides policies for protecting prime agricultural areas. The proposed development is permitted in the agricultural area, does not preclude or hinder the primary agriculture operation, and is compatible with the existing agricultural operation on the site. As per Section 2.4, 2.5, and 2.6 of the Provincial Policy Statement, there are no known Petroleum, Mineral or Cultural Heritage/ Archeological Resources on or near the subject lands that will be affected by the proposed development.

Section 3.0 of the PPS provides policies for Protecting Public Health and Safety, with Section 3.1 speaking to Natural Hazards. The subject lands are affected by a flood plain associated with the Jock River towards the rear of the lot. However, the winery building is located towards the front of the property outside of the floodplain, and no new buildings are being proposed as part of this Zoning By-law Amendment. Further, there are no known Human-Made Hazards affecting the subject lands that need to be addressed as per Section 3.2 of the PPS.

Overall, the proposed Zoning By-law Amendment which will allow for an On-Farm Diversified Use on the Subject Property would be consistent with the policies in the 2020 Provincial Policy Statement.

City of Ottawa Official Plan

The current Official Plan for the City of Ottawa was adopted in 2003. The subject lands are designated as Agricultural Resource Area as per Official Plan Schedule A – Rural Policy Plan (See Figure 3 below). There is an identified floodplain towards the rear of the property, associated with the Jock River, and identified on Schedule L2 – Natural Heritage System Overlay (South) (See Figure 4 below).

Section 3.0 of the Official Plan provides policies for the various Designations and Land Uses, with Section 3.7.3 of the Official Plan containing policies for lands that are identified as Agricultural Resource Areas. As per Section 3.7.3.5, on-farm diversified uses are permitted, as long as they are compatible with, and do not hinder surrounding agricultural operations. A place of assembly is compatible with the existing vineyard as it will use part of the winery building when there is no wine production from the months of June to September. Further, the place of assembly supports the winery operation as the wine produced on site can be purchased during events. The Zoning By-law Amendment which will allow part of the

building to be used as a place of assembly is consistent with the intent of Section 3.7.3.5 as the use is secondary to the principal agricultural use of the property. However, as the size of the on-farm diversified use is greater than permitted, a Zoning By-law amendment is required.

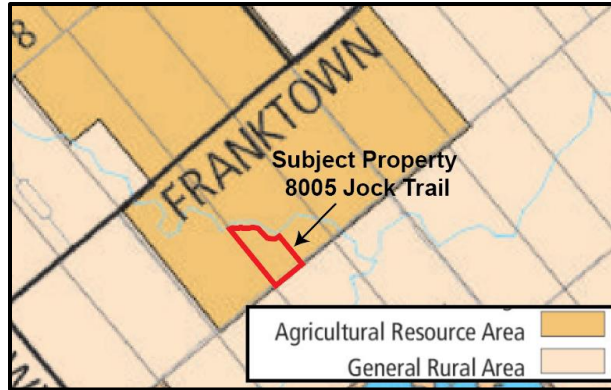


Figure 3. Excerpt from Official Plan Schedule A – Rural Policy Plan

Section 4.0 of the Official Plan outlines the policies the City of Ottawa uses to review development applications. Section 4.8 speaks to Protection of Health and Safety. As mentioned, there are identified floodplains associated with the Jock River towards the back of the subject lands. The existing building that is to accommodate the place of assembly is more than 200 metres outside of the floodplain, and none of the outdoor seating areas, parking, drive aisles used for the place of assembly will be located in the floodplain.

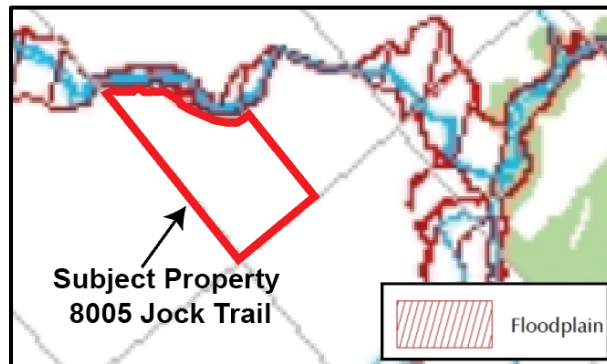


Figure 4. Excerpt from Official Plan Schedule L2 – Natural Heritage System Overlay (South)

City of Ottawa New Official Plan

In 2019, the City of Ottawa began a multi-year process to develop a new Official Plan (referred to in this report as “New Official Plan”). In October, 2021 the City of Ottawa Council approved the New Official Plan. The Official Plan still needs to be approved by the Ministry of Municipal Affairs and Housing, but this section will reference the New Official Plan to demonstrate how the Zoning

By-law amendment is consistent with the intent of policies in the New Official Plan. The subject property falls within the Agricultural Resource Area as per Section B9 of the Official Plan.

Section 9.0 of the New Official Plan provides policies for areas in the Rural Designation, with specific policies for lands within the Agricultural Resource Area in Section 9.1. The New Official Plan seeks to support diversification of farming operations to increase local supply of goods and services in the regional economy. In Section 9.1.2 it is stated that 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, on-farm diversified 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 use.

The Zoning By-law Amendment is consistent with the policies of the current Official Plan and new Official Plan as the use is considered an on-farm diversified use, and is compatible with and will not hinder surrounding agricultural operations. However, the size of the on-farm diversified use is greater than permitted, so a Zoning By-law amendment is required.

Zoning By-law 2008-250 Consolidation

The subject property is zoned as Agricultural Subzone Three (AG3) in the City of Ottawa Zoning By-law 2008-250, as shown in Figure 5, where a variety of agricultural uses are permitted.

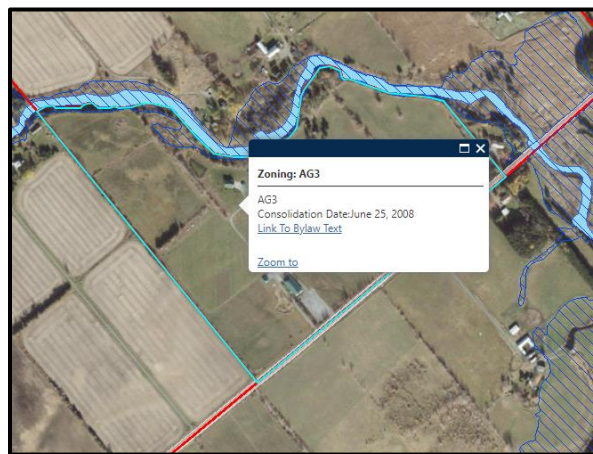


Figure 5. Zoning of the Subject Property as shown on geoOttawa Mapping

Part 3.0 of the Zoning By-law provides Specific Use Provisions, with Section 79A providing provisions for On-farm Diversified Uses. There are two policies in Section 79A that limit the size of an on-farm diversified use on a subject property. The first, Section 79A(b) limits on-farm diversified uses to 2% of the total lot area, to a maximum of 1 hectare. The areas of the property included in the OFDU lot coverage calculation are the outdoor seating areas (which include a stone patio and 2 ceremony areas),

and the area of the winery building used for events. These areas were included based on the property owners’ discussions with City staff who held internal discussions regarding the OFDU provisions of the Zoning By-law. It was determined that any outdoor seating areas must be included in the maximum 2% coverage requirement. It is notable that no parking or drive aisles were included in the calculation for Section 79A(b) as staff have indicated that only parking that is used solely for the place of assembly must be counted towards the 2% maximum coverage. As the parking area is shared with the winery, parking does not need to be counted. Table 1 below demonstrates how the on-farm diversified use meets the 2% lot coverage requirement.

The second policy that limits the size of the on-farm diversified use is Section 79A(d) which states that the total floor area occupied by the on-farm diversified use, and specific to this proposal, the place of assembly, does not exceed 150 square metres. After internal discussions, City staff expressed that the outdoor seating areas do not need to be included in the 150m² place of assembly limitation. However, after consultation with staff, it has been determined that the porch, wine tasting area, washrooms and wine lab (catering plating area) are to be considered in the floor area calculation for a place of assembly. As this area is greater than the 150m² permitted for a place of assembly, a zoning by-law amendment is required to permit a place of assembly that has a total floor area of 385.7m².

Table 1: On-Farm Diversified Use Provisions

Provision	Proposal
(a) An on-farm diversified use is permitted if the principal use of the lot is agricultural;	The principal use of the lot is agricultural. The property owners use the property to grow crops to produce wine and cider.
(b) On-farm diversified uses are limited to 2% of the total lot area, to a maximum of 1 hectare;	The on-farm diversified use does not exceed 2% of the total lot area, or 1 hectare, demonstrated by the calculations below: Total Lot Area= 152,485m ² Outdoor seating areas (Patio and 2 Ceremony Areas) = 976m ² Area of winery building used for events = 385.7m ² Total on-farm diversified use = 1,362m ² = 0.89% and 0.14ha
(d) The total floor area occupied by on-farm diversified uses may not exceed 20% of the total land area permitted for on-farm diversified uses on the lot, to a maximum of 600 square metres (except where otherwise stated), and; (i) The total floor area occupied by on-farm diversified uses, limited to place of assembly, instructional facility and restaurant uses, whether located in new or existing	As per Section 79A(d), the total floor area occupied by the place of assembly does not exceed 20% of the total land area permitted for on-farm diversified uses (20% of 3,049m ² = 610m ²). However, the total floor area occupied by the place of assembly does exceed 150 square metres, as the floor area used for a place of assembly is 385.7m ² . Thus, a minor Zoning By-law Amendment is required as the proposal is not consistent with Section 79A(d)(i).

<p>buildings, may not exceed 150 square metres;</p> <p>(ii) The total cumulative floor area of all on-farm diversified uses on a lot may not exceed 600 square metres, with a maximum of 300 square metres for floor area built after November 8, 2017;</p> <p>(iii) Floor area used for processing that may incorporate inputs grown off-site does not need to be counted towards the maximum total floor area and is subject only to the maximum areas under b) above.</p>	<p>The proposal is consistent with Section 79A(d)(ii) as the total cumulative floor area of the on-farm diversified uses on the lot does not exceed 600m².</p>
<p>(e) Any outdoor storage or parking areas associated with an on-farm diversified use must be screened from view from a public street or a residential use on an abutting lot.</p>	<p>There is no outdoor storage associated with the on-farm diversified use. The parking areas associated with the OFDU are screened from Jock Trail as there is an existing vegetative buffer along the front lot line. Further, the parking area is screened with vegetation from the view of abutting properties.</p>
<p>(f) Outdoor storage areas and parking areas associated with an on-farm diversified use must not be located within 10 metres of any lot line.</p>	<p>There is a parking lot towards the front of the winery building that has enough parking spaces to serve the winery and place of assembly. Section 79A(f) states that parking areas associated with an OFDU must not be located within 10 metres of any lot line. The existing parking lot is located more than 10 metres from the side and rear lot lines. However, the parking lot is located less than 10 metres to the front lot line (approximately 5 metres). It is notable that the parking lot is large enough that event-goers can park more than 10 metres from the lot line. Thus, the proposal is consistent with Section 79A(f).</p>
<p>(g) Maximum number of heavy vehicles, including recreational vehicles, associated with an on-farm diversified use: 3</p>	<p>The on-farm diversified use does not require more than 3 heavy vehicles, including recreational vehicles.</p>
<p>(h) Required parking is as identified under Table 101 for the use proposed.</p>	<p>Parking has been calculated as per Table 101, and the existing parking lot can accommodate parking spaces for all independent uses.</p>
<p>(i) Every effort should be made to cluster on-farm diversified uses, make use of existing laneways, and locate on areas of poorer soil.</p>	<p>On-farm diversified uses are clustered near the existing building, with the exception of a grass area towards the back of the lot that is used for outdoor seated ceremonies. The OFDU makes use of existing laneways, and the uses are located on lands that are classified as having Class 4 soils, with no on-farm diversified uses located on any part of the property classified as having Class 3 soils.</p>

Part 13.0 of the Zoning By-law deals with the Rural Area, with provisions for the Agricultural Zone in Sections 211-212. As mentioned, the primary use of the property is agricultural. The property owners grow crops to produce wine and cider, and have a winery and retail store on site. These uses, along with the associated parking, and services for these uses are permitted under the agricultural zoning provisions for the property. On-farm diversified uses are permitted in the Agricultural zone, but must comply with Part 3 Section 79A. This Zoning By-law Amendment demonstrates how the proposal will meet, following approval, the on-farm diversified provisions.

In summary, the proposal meets all on-farm diversified use provisions except for Section 79A(d)(i) which requires that the total floor area occupied by a place of assembly may not exceed 150 square metres. Thus, a minor Zoning By-law Amendment is required to address the following policy:

- **Section 79A(d)(i)** – To permit a place of assembly that has a total floor area of 385.7m², where the By-law permits a maximum of 150 square metres.

Summary

The subject property, located at 8005 Jock Trail, is used for the growing of crops associated with the Moul's established vineyard. The property owners wish to use part of the existing building to hold events, a use defined as a Place of Assembly in the City's Zoning By-law. The event space will operate from June to September, when the Moul's are not using the building for wine production. A place of assembly is contemplated in the City's On-Farm Diversified Use (OFDU) Provisions of the Zoning By-law. However, the provisions limit the area of a place of assembly to 150m². The area that the property owners propose to use as a place of assembly is 385.7m², so a minor Zoning By-law Amendment application is required. This planning rationale has demonstrated that the Zoning By-law Amendment is consistent with the intent of the Provincial Policy Statement, the City of Ottawa's current and new Official Plans, and the on-farm diversified use policies in the City of Ottawa's Zoning By-law 2008-250. The place of assembly will not preclude or hinder the existing agriculture operation, and is compatible with the existing vineyard, and will support the winery operation.

Should you have any questions or concerns, please do hesitate to contact the undersigned.

Sincerely,



MacKenzie Van Horn, M.PI



Tracy Zander, M.PI, MCIP, RPP