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BY EMAIL AND REGULAR MAIL

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Attn: Minister Steven Clark
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Attn: Dan Ethier
Ministry of Municipal Affairs and Housing
Eastern Municipal Services Office
Rockwood House
8 Estate Lane
Kingston ON K7M 9A8

Dear Minister Clark and Mr. Ethier:

**Re: 4431 and 4439 Frank Kenny Road, Navan, Ottawa
City of Ottawa Official Plan 2021, as adopted
Site Specific Exemption Request and/or
Agricultural Land Protection Swap Policy Proposal**

1. We are the solicitors for Huismans Poultry Farm Ltd. (“**Huismans Farm**”) which is a family run egg production operation in Navan, Ottawa. Huismans Farm and Huismans family members own eight parcels of land in and around the Huismans Road, Frank Kenny Road and Rockdale

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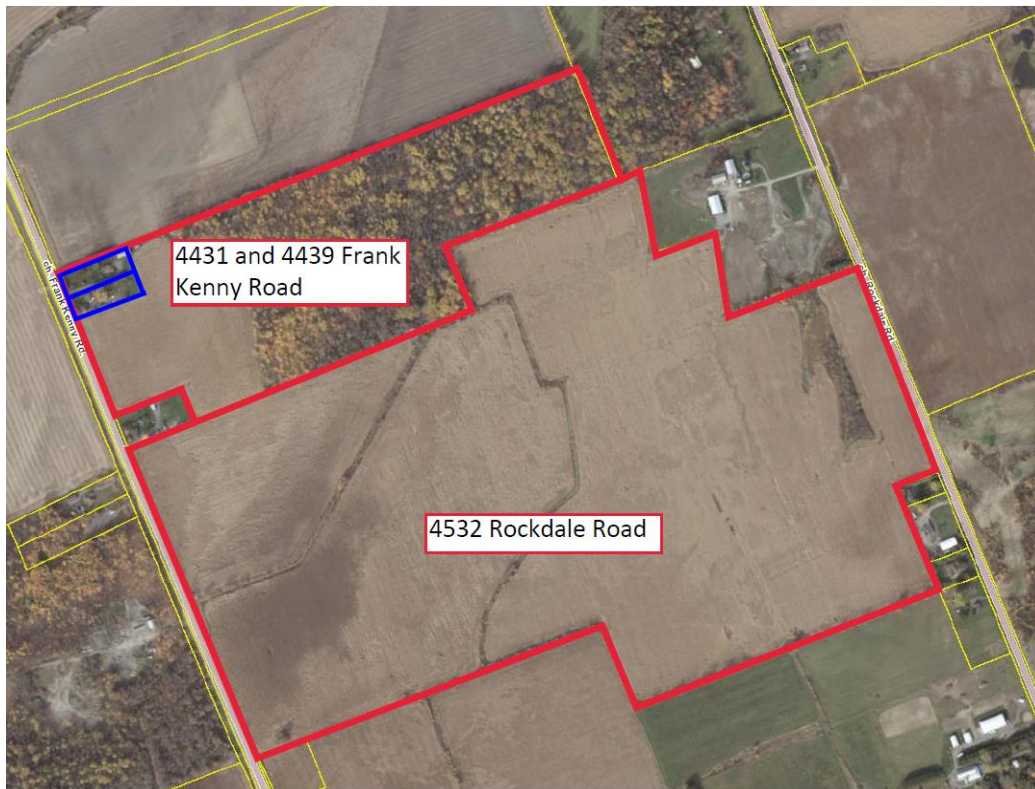
Road area in Navan, Ottawa. The Huismans actively use these eight parcels of land for their egg production operation, including growing their own chicken feed.

2. The Huismans are requesting your support in order to obtain a **site-specific exemption in the City of Ottawa's Official Plan**, as adopted, which would allow for Huismans Farm to **individually sever two existing houses** as surplus to a farm consolidation (as will be explained in more detail below). Additionally, the Huismans are also proposing a **land swap policy** which would allow for more than one severance as surplus to a farm consolidation, provided that the farm could rezone other vacant lands to prohibit development in exchange (as will be explained in more detail below). **The result will be the creation of two new residential lots but no additional residential units will be created and there will be no loss of agricultural lands.**
3. As you are aware, the City of Ottawa adopted a new Official Plan on November 24, 2021. The Huismans are respectfully requesting that you modify, and approve as modified, part or parts of the Official Plan, as hereinafter described.

Background on Huismans Farm and the Acquisition of 4431 and 4439 Frank Kenny Road

4. In 2016 Huismans Farm bought a farm in Navan (4431 and 4439 Frank Kenny Road, the "**Property**") to add to their existing agricultural operations.
5. When the previous owners, the Dugas family, put the Property up for sale, another party was interested in buying the Property for its trees and intended to clear cut the trees on the Property. The Huismans were concerned that clear cutting the trees on the Property would cause the soil on the Property to shift into the creek, which would cause a shift in the soil on the property that they owned and farmed next to it at 4532 Rockdale Road. The Huismans wanted to maintain what they believe to be good agricultural land as they rely on 4532 Rockdale Road to grow feed for their chickens. Huismans Farm bought the Dugas' Property to preserve the wood lot and protect the agricultural integrity of the land at 4532 Rockdale Road. The Huismans expanded their cropping so they now also grow chicken feed on the Property. The following image, Image 1, depicts the side-by-side properties of 4431 and 4439 Frank Kenny Road and 4532 Rockdale Road.

Image 1



6. When Huismans Farm bought the Property in 2016, it contained (and still contains) two permanent houses which had been built in the 1980s to accommodate the Dugas family that ran the farm at the time. The lands containing these houses are depicted on Image 1 in blue. One house was built for Gabrielle and Patrick Dugas (both now deceased) and the other for their son, Robert Dugas, who helped work the family farm. The houses on the Property are on separate private services – each have their own septic and well systems.
7. The Huismans are farmers and have no interest in being landlords and they do not need the houses for farm help. Further, Robert Dugas remains in the house that was originally built for him in the 1980s and he would like to continue to do so. The Huismans proposed to sign over Mr. Dugas' house to him and to sell the other house.
8. Huismans Farm brought applications before the Committee of Adjustment in Ottawa for Consent to individually sever the houses from the farm operations on the Property for being surplus residences to a farm consolidation and for corresponding Minor Variances that would allow smaller lot sizes for the severed parcels. The Committee of Adjustment declined to grant the Consents and Minor Variances, partially based on the fact the current Official Plan, and now the new Official Plan, as adopted, only permits one severance.
9. Both current and proposed Official Plan policies only allow one severance as surplus to a farm consolidation, but these policies do not take into account that these houses are existing,

permanent structures that were permitted at the time that they were built. The policies fail to account for situations like this, where a family worked and lived together on the Property for the benefit of the farm, and do not address what might happen to multiple houses if the Property is later no longer owned by the family that built the houses. Huismans Farm's purchase of the Property was, and continues to be, for agricultural purposes; the Property was acquired as a part of a farm consolidation.

10. Severing both houses individually will not impact the farming of the land or reduce the available agricultural land. **The houses are permanent, existing structures and the farming of the land already occurs elsewhere on the Property.**

Proposed Site-Specific Exemption

11. Although the Official Plan, as adopted, allows a lot to be created for a dwelling that is rendered surplus due to a farm consolidation, the Official Plan does not allow for the creation of more than one lot for this purpose.¹

12. Lot creation is prohibited unless all of the following are met:²

- a. The new lot contains an existing habitable dwelling made surplus through farm consolidation;
- b. As a condition of severance, the retained lands are zoned to prohibit residential uses;
- c. The severed lot is of a size that minimizes the loss of agricultural land;
- d. The new lot can be adequately serviced;
- e. Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use; and
- f. Where only one lot may be created.

13. In the circumstances:

- a. The two proposed lots contain existing habitable dwellings which were made surplus through farm consolidation;
- b. The Huismans agree that the retained lands should be zoned to prohibit residential uses;
- c. The two proposed lot sizes minimize the land to be severed and farming occurs only on what would be considered the retained lot;
- d. Both proposed lots have their own, individual, septic and well systems;
- e. Neither proposed lot contains anything other than the existing dwellings; and

¹ City of Ottawa Official Plan, as adopted November 24, 2021, policy 9.1.3(3).

² City of Ottawa Official Plan, as adopted November 24, 2021, policy 9.1.3(3).

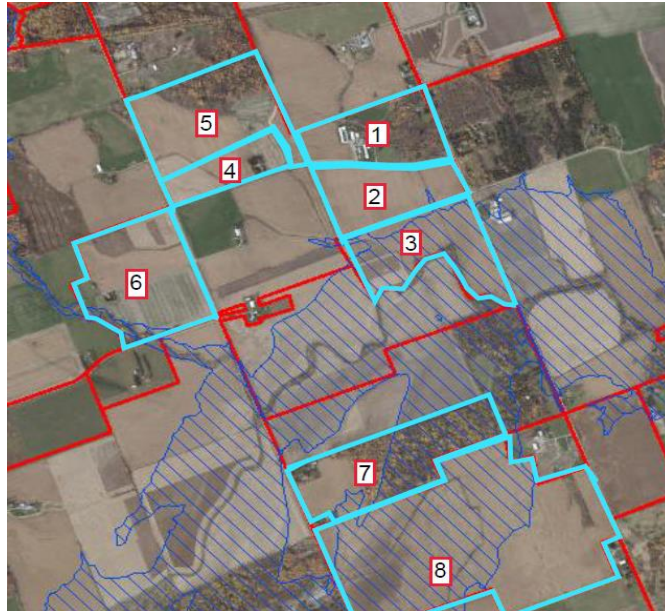
- f. The proposal for the creation of two independent lots is contrary to this policy.
14. In order to allow for two independent lots to be created as surplus to a farm consolidation, the Huismans require a site-specific exemption from section 9.1.3(3)(f) of the Official Plan, as adopted, which is the section that prevents the creation of more than one lot as surplus to a farm consolidation.
15. **The Huismans respectfully request that you modify the Official Plan, as adopted, to allow for a site-specific exemption from section 9.1.3(3)(f) for the properties municipally known as 4431 and 4439 Frank Kenny Road so two residential lots may be created for the existing dwellings.**

Proposed Land Swap Policy

16. The Huismans are further requesting your support for a **land swap policy** that would allow bona fide farmers to **sever more than one house as surplus to a farm consolidation**, provided that the farmer can **rezone another parcel** of the farm land **in order to prohibit any residential uses**.
17. The City of Ottawa has introduced a novel land swap policy in its Growth Management Framework that would allow for adjustments of urban and village boundaries outside of a comprehensive review by transferring, or “swapping”, an approved country lot subdivision to a location adjacent to an existing urban or village boundary.³ Practically speaking, this allows for an approved, but unbuilt, rural country lot subdivision to proceed in proximity with settlement areas rather than fragment rural lands.
18. The Huismans propose a similar, novel, policy that would allow for the severance of existing residences as surplus to a farm consolidation, provided that as a condition of severance that the retained land is rezoned to prohibit residential use and that a corresponding number of parcels of farm land be rezoned to prohibit residential use for each additional lot created as surplus to a farm consolidation. Practically speaking in the circumstances, this would mean that **the Huismans would rezone the retained portion of the Property** to prohibit residential use and the Huismans would **further agree to rezone an additional parcel of agricultural land** from their operations to prohibit additional residential development **in exchange for permission to independently sever the two existing residential homes on the Property**.
19. The following image, Image 2, depicts the parcels of land that currently form Huismans Farm. The Property is depicted as parcel 7.

³ City of Ottawa Official Plan, as adopted November 24, 2021, sections 3.1.6 & 3.4.7(8).

Image 2



20. In the circumstances, if a land swap policy were to apply, not only could the Huismans independently sever one dwelling from parcel 7 and zone the retained lands to prohibit residential use, **but they could also independently sever the second dwelling from parcel 7 and zone another parcel to prohibit residential use.** At this time, parcels 2 and 5 do not contain an existing residential dwelling but are both zoned AG2, which would permit a residential use. **The Huismans would agree to rezone one of these two parcels to prohibit residential use in exchange for a second severance from parcel 7.**

21. The Huismans propose that section 9.1.3(3) of the Official Plan, as adopted, be modified as follows:

Lot creation is prohibited unless all of the following are met:

- a. The new lot contains an existing habitable dwelling made surplus through farm consolidation;
- b. As a condition of severance, the retained lands are zoned to prohibit residential uses;
- c. The severed lot is of a size that minimizes the loss of agricultural land;
- d. The new lot can be adequately serviced;
- e. Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use;
- f. Where only one lot may be created, **subject to (g);** and
- g. **Notwithstanding (f), where more than one lot is to be created:**
 - i. **As a condition of severance for each additional lot created, a corresponding parcel of the consolidated farm is rezoned to prohibit new residential uses.**

22. It is the Huismans position that this policy, as proposed, upholds the provincial goal of preventing agricultural fragmentation while also valuing the complexities of farm land acquisition that bona fide farmers often face during farm land consolidations.
23. The Huismans respectfully request that you modify the Official Plan, as adopted, to include the land swap policy provisions, as outlined above.

City Commitment to Flexibility for Agricultural Landowners

24. On Thursday October 14, 2021, at a special joint meeting of the City of Ottawa's Planning Committee and Agriculture and Rural Affairs Committee, Council members heard from the agricultural community that "provincial and municipal rules for minimum lot sizes in prime agricultural areas were too inflexible."
25. The joint committee passed a resolution that council recommend that Mayor Watson, on behalf of the Council, write to the Provincial Minister of Agriculture, Food and Rural Affairs to request a meeting to discuss how the Province could study "how flexibility might be introduced in Ontario, or how more customized approaches could be applied at the municipal level."

Conclusion

26. It is the Huismans' position that both the requested site-specific exemption and the proposed land swap policy can help the Province and the City of Ottawa address Provincial Policies aimed at preventing the fragmentation of agricultural lands, without unduly burdening farm owners with houses that they do not require as part of their farm operations. Each proposal aims to recognize that permanent houses were sometimes built so that more than one generation of a family could live and work on a farm *together* and that through a farm consolidation, a farmer might acquire these homes and also have land parcels that remain zoned to permit the construction of a new home. The Huismans are such farmers.
27. The Huismans respectfully request your support in order to obtain a **site-specific exemption in the Official Plan**, as adopted, that would allow for Huismans Farm to **individually sever two existing houses** as surplus to a farm consolidation. Additionally, the Huismans are also requesting your support in order to implement a **land swap policy in the Official Plan**, as adopted, which would allow for more than one severance as surplus to a farm consolidation, provided that the farm could rezone vacant lands to prohibit residential development in exchange.
28. We would be pleased to discuss this matter further, should you so desire. Please advise if you would like to schedule a meeting and we will make the necessary arrangements.

Yours very truly,



Ursula K. Melinz
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Crystal McConkey

