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DATE 15 January 1998

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Deputy Regional Solicitor

SUBJECT/OBJET **LAND DIVISION COMMITTEE  
CONSENT TO SEVER APPEAL - TOWNSHIP OF RIDEAU**

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### BACKGROUND

John and Dianne Droogh have appealed to the Ontario Municipal Board from a decision of the Land Division Committee which dismissed an application for consent to sever part of the lands composed of Part Lot 7, Concession 3, in the Township of Rideau.

The Drooghs had applied for consent to sever a two acre parcel from their approximately 93 acre farm lot. The purpose of the severance was to sell the lot as a residential lot and to put the proceeds back into their successful and expanding farm operation.

### OVERVIEW

The Land Division Committee and the Ontario Municipal Board dismissed this application. The land is designated "Agricultural Resource" in the Official Plan of the Regional Municipality of Ottawa-Carleton as well as the Township of Rideau Official Plan. The local Official Plan permits specific types of severances within the "Agricultural Resource" designation and this severance was requested under the infilling policy.

The Ontario Municipal Board agreed that the application should be refused because it was not in conformity with either the Region's or the Township's Official Plans and because to grant it would also be contrary to the Provincial Policy Statement on Agriculture.

The lands in question are lands with predominantly class 3 soils in a larger area with predominantly class 2 and 3 soils. This qualifies them as prime agricultural lands as defined in the Provincial Policy Statement, which states as its first agriculture policy that prime agricultural

### Information Previously Distributed

To be listed on Planning and Environment  
Committee Agenda of 10 February 1998

lands are to be protected for agriculture. The Provincial Policy Statement goes on to say that lot creation in areas where prime agricultural lands predominate shall be discouraged, and will be permitted only in certain limited circumstances. Since the proposed severance is to create a lot for residential use and is not a farm retirement lot or a surplus residence, the only circumstance in which it would qualify would be as residential infilling. This, too, is a defined term in the Provincial Policy Statement, and applies to the creation of a lot between two existing non-farm residences not more than 100 metres apart.

The Ontario Municipal Board concluded that the proposed lot would not meet that definition.

The Board agreed with the Region's interpretation of the Township's Official Plan. First, the Region's planner turned to the provision that prohibits consents that would have the effect of extending existing strip development. Immediately to the north of the proposed lot is a residential lot that was severed in 1990 as surplus to the farm. North of that are two other small lots severed by a previous owner, and then five or so other residential lots stretch north along the Third Line Road. To the south are the vacant farm help lot and then lands actively farmed. To permit the development of a residential lot in this location would extend existing strip development along Third Line Road. It would also create a lot that at 0.8 ha in size, would be considerably larger than the recommended range of 0.2 to 0.4 ha. And it would exacerbate the existing situation and potentially start changing the character of the area, contrary to another non-farm residential infilling severance policy. The Township Plan also has a policy similar to the Region's permitting residential infilling in this designation only between two dwellings (not two residential lots) that existed prior to 21 October 1976. For the same reasons that the Regional Plan's infilling policy was not met, this one was not met either.

## CONCLUSION

This decision reinforces the Regional Official Plan provisions related to infilling in agricultural resource designated lands and establishes that these policies are not discretionary but rather mandatory in nature.

Should you require further information with respect to this matter, please do not hesitate to contact Alexia Taschereau-Moncion, Solicitor, Legal Department at extension 1511.

*approved by*  
*E. A. Johnston, Deputy Regional Solicitor*

EAJ/AT-M/pc