

Committee of Adjustment  
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Comité de dérogation

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Committee of Adjustment  
101 Centrepointe Drive  
Ottawa, ON, K2G 5K7

**Attention: Michel Bellemare, Secretary – Treasurer**

**Reference: 1943 Sarsfield Road  
Application for Consent for a Severance of a Surplus Farm Dwelling  
Our File No.: 122196**

Novatech has been retained by the owner of the property municipally known as 1943 Sarsfield Road (the "Subject Property") to prepare and file a consent application for a surplus farm dwelling. Lands currently used for agriculture are proposed to be severed from the dwelling and accessory buildings located on the northwest corner of the Subject Property near Sarsfield Road.

This letter describes the existing conditions of the Subject Property, the proposed surplus farm dwelling severance, and provides a rationale in support of the consent application.

**Existing Conditions**

1943 Sarsfield Road is located in the Orleans South-Navan Ward (Ward 19) of the City of Ottawa east of Sarsfield Road (see Figure 1). The Subject Property has approximately 893 metres of frontage along Sarsfield Road, and an approximate area of 46.99 hectares (116.18 acres).

**Figure 1. Subject Property**



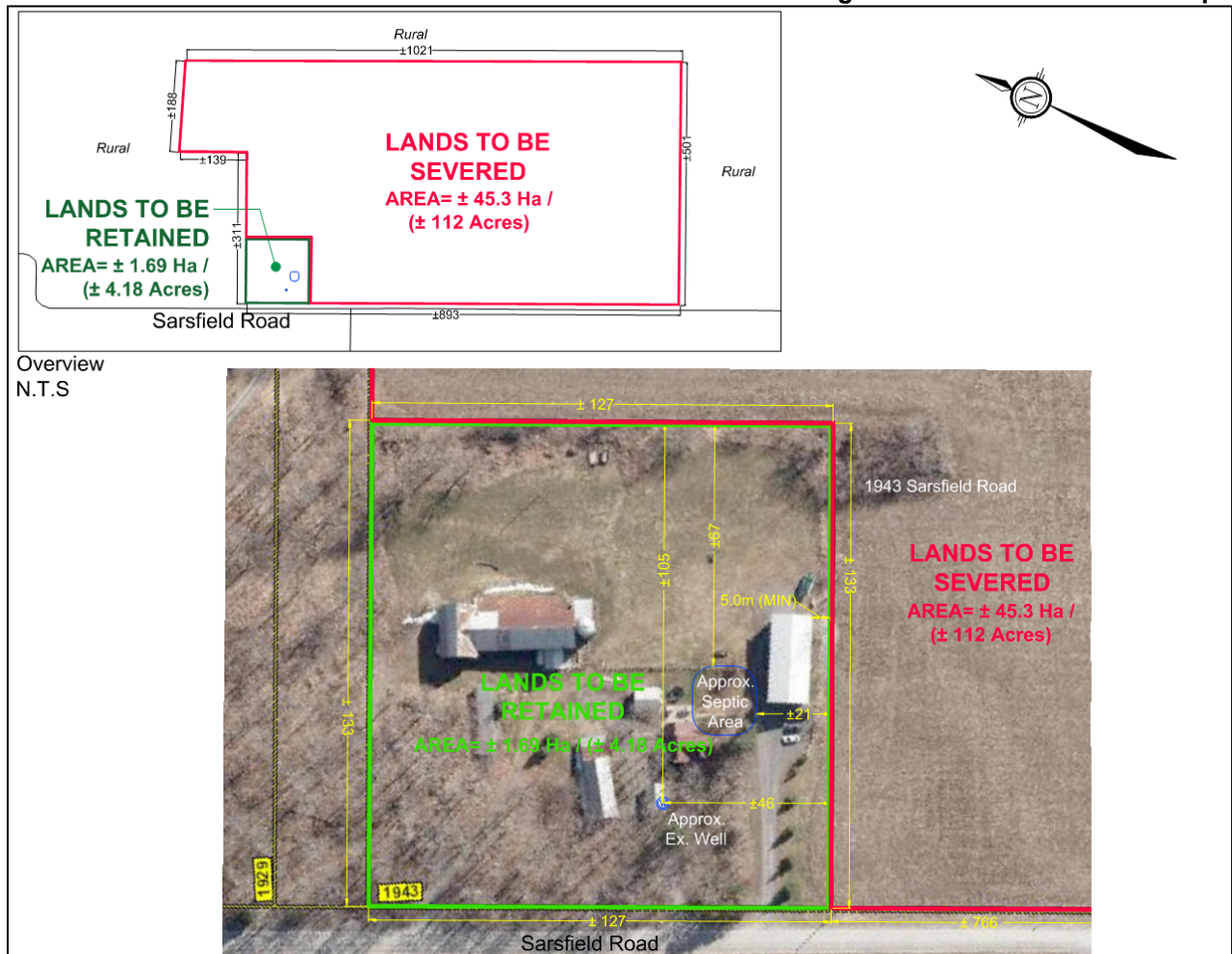
1943 Sarsfield Road is legally described as Part of Lot 10 Concession 2OS, Part of Lot 2 Concession 3, Part of Lot Gore Concession 2OS, Cumberland (PIN: 145400067). The Subject Property is designated Agricultural Resource Area on Schedule B9 of the City of Ottawa’s Official Plan. The property is zoned Agricultural (AG). The fields are currently used for agriculture. A detached dwelling, barn, chicken coop, and accessory buildings are located on the northwest corner of the Subject Property. The barn and chicken coop have not been used to house livestock for some time and are currently used for storage. There are three driveways off Sarsfield Road that provide access to the property. The detached dwelling is addressed 1961 Sarsfield Road. A watercourse traverses the property near the southern lot line.

The Subject Property is subject to an easement established in 1933 in favour of The Hydro-electric Power Commission of Ontario (instrument number CU16061). Overhead power lines cross the southwest corner of the property near Sarsfield Road.

**Proposed Surplus Farm Dwelling Severance**

The proposed surplus farm dwelling severance will sever all land currently used for agriculture on the Subject Property from the existing dwelling and accessory buildings (see Figure 2).

**Figure 2. Consent Sketch Excerpt**



Overview  
N.T.S

The severed parcel will have approximately 766 metres of frontage along Sarsfield Road, and an approximate area of 45.3 hectares (112 acres). The severed parcel meets the minimum required lot width (90 metres) and minimum required lot area (36 hectares) for an agricultural use in the AG zone. It is anticipated that a condition of consent approval will be to rezone the severed parcel to prohibit residential uses. The purchaser of the severed parcel intends to use the land for agricultural purposes (pasture for horses).

The retained parcel will have approximately 127 metres of frontage along Sarsfield Road, and an approximate area of 1.69 hectares (4.18 acres). The retained parcel meets the minimum required lot width (30 metres) and minimum required lot area (0.2 hectares) for a detached dwelling in the AG zone. The Zoning By-law permits a maximum of 5% of the lot area of the retained parcel to be developed with accessory buildings. It is anticipated that a condition of consent approval will be to rezone the retained parcel to permit an increase in the percentage of lot area permitted to be developed with accessory buildings.

## Consent Rationale

### Planning Act

Subsection 53(1) of the Planning Act states (*emphasis added*):

*“An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).”*

The proposed severance does not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states (*emphasis added*):

*“A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.”*

This rationale will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

*51. (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*



1943 Sarsfield Road is within the rural area of the City of Ottawa. The proposed surplus farm dwelling severance has regard for the following matters of provincial interest:

- the protection of the agricultural resources of the Province; and
- the orderly development of safe and healthy communities.

*(b) whether the proposed subdivision is premature or in the public interest;*

The severed parcel includes all lands currently used for agriculture on the Subject Property. The severed parcel is proposed to be rezoned as a condition of consent approval to prohibit a new residential use. The retained parcel is currently developed to accommodate a detached dwelling. Approval of the proposed severance and requested conditions will not result in any new development potential, nor increase demands for public or private services. The proposed severance is not premature and is in the public interest.

*(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

1943 Sarsfield Road is designated Agricultural Resource Area on Schedule B9 of the City of Ottawa's Official Plan. Section 9.1 of the Official Plan sets out policies for the Agricultural Resource Area designation. Policy 1 of Section 9.1.2 of the Official Plan states:

*"On lands designated as Agricultural Resource Area, a variety of types, and intensities of agricultural uses and normal farm practices are permitted and shall be consistent with Provincial guidelines related to uses and practices in prime agricultural areas."*

Policy 1 a) of Section 9.1.3 states:

*"Residential uses in Agricultural Resource Areas shall be permitted either in the form of:*  
*a) A detached dwelling on a lot fronting an existing public road;"*

The proposed retained residential parcel has frontage and access to Sarsfield Road. The existing agricultural and residential uses on the Subject property are permitted within the Agricultural Resource Area designation. The Subject Property is already developed to accommodate a detached dwelling. The proposed severed parcel will be vacant and will include all lands currently used for agriculture. It is anticipated that a condition of consent approval will require rezoning the severed parcel to prohibit the development of a new residential use. No new residential development potential is created by approval of the requested severance and anticipated conditions.

Policy 3 of Section 9.1.3 states:

*"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;*

The proposed retained parcel is developed with a detached dwelling made surplus through farm consolidation.

- b) As a condition of severance, the retained lands are zoned to prohibit residential uses;*

The severed agricultural parcel is expected to be rezoned as a condition of consent approval to prohibit a new residential use.

*c) The severed lot is of a size that minimizes the loss of agricultural land;*

The retained residential parcel is limited in size to the existing detached dwelling, septic system and well, and surrounding accessory buildings. All lands currently used for agriculture are included in the severed parcel.

*d) The new lot can be adequately serviced;*

No changes are proposed to the existing detached dwelling and private services on the retained parcel.

*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*

The existing barn and chicken coop on the retained parcel are currently used for storage. The barn, chicken coop, and sheds are accessory to the principle residential use of the proposed retained parcel. The retained parcel is proposed to be rezoned as a condition of consent approval to increase the percentage of lot area permitted to be developed with accessory buildings. This requested condition recognizes the existing accessory buildings on the retained parcel. No new accessory buildings are proposed on the retained parcel.

*f) Where only one lot may be created.”*

Only one lot accommodating all lands currently used for agriculture on the Subject Property will be created by approval of the proposed severance.

Policy 4 of Section 9.1.3 states:

*“Applications for Consent to Sever a farm surplus dwelling shall only be considered after the purchase of the lands to be consolidated by the farm operator or where a legally binding agreement of purchase and sale is demonstrated.”*

It is not possible to consider a consent application to sever a surplus farm dwelling following the purchase of the lands to be consolidated by the farm operator. The consolidated lands may only be sold once the parcel is created through approval and finalization of a consent application. A legally binding agreement of purchase and sale has been signed for the sale of the severed parcel. The purchaser of the severed parcel intends to use the land for agricultural purposes (pasture for horses).

Policy 5 of Section 9.1.3 states:

*“Where the lands containing a surplus dwelling and accessory buildings are abutting the main farm property, the recommended method of separation of the surplus dwelling from the land is the use of a lot line adjustment between the two properties to avoid the creation of a new lot.”*

The purchaser of the severed parcel does not own lands adjacent to the Subject Property.

**The proposed severance conforms to the policies of the Official Plan.**

*(d) the suitability of the land for the purposes for which it is to be subdivided;*

Approval of the consent application will sever all lands currently used for agriculture at 1943 Sarsfield Road from the existing detached dwelling and accessory buildings. The severed parcel is anticipated to be rezoned to prohibit a new residential use as a condition of consent approval. Rezoning the severed parcel as anticipated will support the continued use of the severed parcel for agriculture. The severed parcel is appropriate for agricultural uses.

The retained parcel currently accommodates a detached dwelling. The retained parcel is proposed to be rezoned to permit an increased percentage of lot area to be developed with accessory buildings as a condition of consent approval. The retained parcel is appropriate to accommodate the existing residential dwelling.

*(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

Not applicable.

*(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

Not applicable.

*(f) the dimensions and shapes of the proposed lots;*

The proposed severed parcel meets the minimum required lot width (90 metres) and minimum required lot area (36 hectares) for an agricultural use in the AG zone. The proposed retained parcel meets the minimum required lot width (30 metres) and minimum required lot area (0.2 hectares) for a detached dwelling in the AG zone.

*(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

There is an easement registered on title of the Subject Property in favour of The Hydro-Electric Power Commission of Ontario.

*(h) conservation of natural resources and flood control;*

A watercourse and associated floodplain traverse the property near the southern lot line. The retained parcel accommodating the existing detached dwelling is located on the northwest corner of the Subject Property. The agricultural lands to be severed, including the watercourse and floodplain, are proposed to be rezoned to prohibit a new residential use. The proposed severance and anticipated conditions will have no impact on natural resources and flood control.

*(i) the adequacy of utilities and municipal services;*

The proposed retained parcel is already developed to accommodate a detached dwelling. As a condition of consent approval the severed agricultural parcel is proposed to be rezoned to prohibit a new residential use. The proposed severance is not anticipated to have an impact on the adequacy of utilities, nor on the adequacy of municipal services.

*(j) the adequacy of school sites;*

No new development potential will result from approval of the proposed severance and requested conditions. The proposed severance is not anticipated to have an impact on the adequacy of school sites.

*(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

Not applicable.

*(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

Not applicable.

*(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

Not applicable.

**The proposed severance has regard for the criteria outlined in subsection 51(24) of the Planning Act.**

*Provincial Policy Statement*

Section 3 (5) of the Planning Act states:

*"A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,*

*(a) subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80; 2023, c. 10, Sched. 6, s. 2 (1)."*

A decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Policy Statement (PPS). The PPS sets out policy direction on matters of provincial interest related to land use planning and development.

All currently cultivated lands at 1943 Sarsfield Road are proposed to be severed from the existing detached dwelling and accessory buildings.

Section 2.3 of the PPS sets out policies for the wise use and management of agricultural resources. Policy 2.3.1 of the PPS states: *“Prime agricultural areas shall be protected for long-term use for agriculture.”* The Subject Property is designated Agricultural Resource Area and is considered a Prime Agricultural Area. Policy 2.3.3.1 of the PPS states: *“In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.”* The Subject Property is zoned Agricultural (AG). The AG zone permits an Agricultural use.

Policy 2.3.3.2 of the PPS states:

*“In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.”*

The proposed consent application does not request permission to re-designate or rezone the Subject Property to permit new or additional uses. It is anticipated that a condition of consent approval will be to rezone the severed parcel to prohibit a new residential use. This condition will prevent a pattern of surplus farm dwelling severances, and loss of existing agricultural lands to other uses.

The retained parcel is already developed to accommodate a detached dwelling and accessory buildings. No land currently used for cultivation will be lost through approval of the residential retained parcel. It is anticipated that a condition of consent approval will require rezoning the retained parcel to permit an increased percentage of lot area to be developed with accessory buildings. This condition will recognize the existing accessory buildings on the retained parcel.

Approval of the severance and anticipated conditions will not add any permitted uses to the zoning of the Subject Property, will prohibit a new residential use of the severed parcel, and will not increase the development potential of the Subject Property. The severed parcel will continue to be protected for long-term use for agriculture.

Policy 2.3.3.3 of the PPS states:

*“New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.”*

The Province has prepared guidelines for the calculation and implementation of minimum distance separation (MDS) setbacks from existing and proposed livestock facilities and anaerobic digestors. MDS guideline 9 states:

*“For a proposed severance of a residence surplus to a farming operation:*

- 3. Where a new lot is proposed with an existing dwelling AND an existing livestock facility or anaerobic digester on it, an MDS 1 setback is not required for that*



*livestock facility or anaerobic digester in accordance with Implementation Guideline #14.”*

MDS Guideline 14 states:

*“An MDS I setback is NOT required to be met for proposed development, dwelling, agriculture-related use, or on-farm diversified use from an existing livestock facility or anaerobic digester located on the same lot as the proposal.”*

The proposed retained parcel includes a barn, a chicken coop, and a detached dwelling. No livestock are accommodated on the Subject Property today. These buildings are currently used for storage. MDS setbacks are not required for the barn and chicken coop on the retained parcel as per MDS Guidelines 9 and 14.

Policy 2.3.4.1 c) of the PPS states:

*“Lot creation in prime agricultural areas is discouraged and may only be permitted for:*

- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:*
- 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
  - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;”*

The proposed retained parcel is limited in size to accommodate the existing detached dwelling, well and septic system, and surrounding accessory buildings. All lands on the Subject Property currently used for cultivation are proposed to be included in the severed parcel. It is anticipated that the severed parcel will be rezoned to prohibit a new residential use as a condition of consent approval.

**The proposed severance is consistent with the policies of the PPS.**

**The proposed severance has regard for the criteria outlined in subsection 51(24) of the Planning Act, and is consistent with the policies of the PPS.**

## Conclusion

The consent application for a surplus farm dwelling at 1943 Sarsfield Road does not require a plan of subdivision for the orderly development of the land, and has regard for the criteria set out in subsection 51(24) of the Planning Act. The consent application is consistent with the policies of the Provincial Policy Statement. The consent application represents good land use planning.

In support of the consent application please find enclosed:

- One (1) copy of this Cover Letter;
- Complete Consent Application Form (one copy);
- Consent Sketch (one 11x17 copy); and
- Parcel Abstract for 1943 Sarsfield Road, PIN: 145400067 (one copy).

Should you have any questions regarding this application please do not hesitate to contact the undersigned.

Yours truly,

**NOVATECH**



Ryan Poulton, M.PL., MCIP, RPP  
Project Planner