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# The Regional Municipality of Durham Report

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To: Planning and Economic Development Committee  
From: Commissioner of Planning and Economic Development  
Report: #2023-P-20  
Date: September 5, 2023

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**Subject:**

Decision Meeting Report

Application to Amend the Durham Regional Official Plan, submitted by Clark Consulting Services Ltd., on behalf of Wechsel Farms, to permit the severance of a dwelling rendered surplus to a farming operation as a result of the consolidation of non-abutting farm parcels in the Township of Brock, File: OPA 2022-004.

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**Recommendation:**

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That Amendment #192 to the Durham Regional Official Plan, to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, be adopted as contained in Attachment #3 to Commissioner's Report #2023-P-20; and
  - B) That "Notice of Adoption" be sent to the applicant, the applicant's agent, the Township of Brock, the Ministry of Municipal Affairs and Housing, and all other person or public bodies who requested notification of this decision.
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**Report:****1. Purpose**

- 1.1 On August 18, 2022, Clark Consulting Services Ltd., on behalf of Wechsel Farms, submitted an application to amend the Regional Official Plan to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels in the Township of Brock.

**2. Site Description**

- 2.1 The subject site is located on the north side of Regional Road 15, west of Thorah Sideroad and is approximately 2.4 kilometres east of the Beaverton Urban Area in the Township of Brock (refer to Attachment 1). The property is municipally known as B1845 Regional Road 15, and is described as Part of Lot 6, Concession 5, in the Former Township of Thorah.
- 2.2 The subject site is roughly square in shape and is approximately 40 hectares (100 acres) in size. The southern portion of the site contains an existing house (the subject surplus dwelling), a barn, and other outbuildings to be removed. The White's Creek watercourse is located along the site's southeast property line. A woodlot is located in the northwest corner of the site. The house on the property is rented to a tenant who is not involved with the farming operation.
- 2.3 The surrounding land uses to the subject site includes:
  - a. North – agricultural lands and rural residences
  - b. East – Thorah Sideroad, rural residences, agricultural lands, and White's Creek
  - c. South – rural residences, Regional Rd. 15, a woodlot, White's Creek, and agricultural lands
  - d. West – wooded area, agricultural lands, and rural residences

**3. Background**

- 3.1 Wechsel Farms has applied to amend the Durham Regional Official Plan (ROP) to permit the severance of a 0.49 ha (1.21 acre) rural residential parcel of land containing a farm dwelling, from a 40 ha (100 acre) farm parcel.

- 3.2 The applicant has submitted a concurrent related Zoning By-law Amendment Application (13-2022-RA) to the Township of Brock to rezone the proposed retained farm parcel to prohibit any further severances, or the construction of any new dwellings.

#### **4. Reports Submitted in Support of the Application**

- 4.1 A Planning Justification Report prepared by Clark Consulting Services Ltd. was submitted to support the application. The Planning Justification Report concluded that the application conforms with the applicable Provincial and Regional policies and meets the Provincial Minimum Distance Separation requirements.
- 4.2 An Environmental Site-Screening Questionnaire completed by GHD Ltd. indicates a low level of environmental concern on the subject site.

#### **5. Previous Reports and Decisions**

- 5.1 On December 6, 2022, the Planning and Economic Development Committee received the Public Meeting Report #2022-P-19, which includes details of the proposed non-abutting surplus farm dwelling severance.

#### **6. Provincial Plans and Policies**

- 6.1 The subject lands are located within the “Protected Countryside” designation of the Greenbelt Plan. Both the Provincial Policy Statement and the Greenbelt Plan permit the severance of a residence surplus to a farming operation as a result of the farm consolidation, provided the planning authority ensures that a new dwelling is not permitted on the proposed retained farm lot created by the severance.

#### **7. Durham Regional Official Plan (ROP) Context**

- 7.1 Policy 9A.2.10 of the ROP permits the severance of a farm dwelling rendered surplus as a result of a farmer acquiring a non-abutting farm, provided that:
- a. the dwelling is not need for a farm employee;
  - b. the farm parcel is a size which is viable for farming operations;
  - c. for sites within the Protected Countryside of the Greenbelt Plan, the dwelling was in existence as of December 16, 2004; and
  - d. the farm parcel is zoned to prohibit any further severance or the establishment of any residential dwelling.

The Regional Official Plan also states that no further severance shall be permitted from the acquired farm parcel.

## **8. Planning Analysis**

- 8.1 Wechsel Farms owns a total of five agricultural properties in the Township of Brock. Two of the agricultural properties contain a house. The applicant's family lives in the homestead located at B2005 Concession Road 6. The house located on the subject site is not utilized by a farm employee, and is surplus to the farm operations as a result of the consolidation of non-abutting farm parcels.
- 8.2 The severance of the surplus dwelling will not have an impact on the current farming operation. The proposed retained farm parcel will continue to remain viable for agriculture use. The subject dwelling had existed prior to December 16, 2004, when the Greenbelt Plan came into effect.
- 8.3 The proposed Amendment to the Regional Official Plan requires that the retained farm parcel be rezoned to prohibit any further severances, and the construction of any new dwellings.
- 8.4 The proposed amendment is consistent with the PPS and conforms with the Greenbelt Plan and the Durham Regional Official Plan.

## **9. Public Meeting and Submissions**

- 9.1 In accordance with the Planning Act, a notice of public meeting regarding this application was published in the appropriate newspaper, mailed to those who own lands within 120 metres (400 feet) of the subject lands, and a public meeting was held on December 6, 2022. Commissioner's Report #2022-P-19 provides information on the application.
- 9.2 The Region did not receive any written submission from the public related to the amendment application.

## **10. Consultation**

- 10.1 On March 13, 2023, the Township of Brock adopted a resolution supporting the proposed Durham Regional Official Plan Amendment application and the related Zoning By-law Amendment application.

10.2 The Ministry of Municipal Affairs and Housing, the Lake Simcoe Region Conservation Authority, the Regional Health Department, the Regional Works Department, and the Durham Agricultural Advisory Committee have no concerns with the approval of the application.

10.3 No comments or concerns were received from any member of the public.

## **11. Notice of Meeting**

11.1 Written notification of the meeting time and location of the Planning and Economic Development Committee was sent to all that requested notification, in accordance with Regional Council procedure.

11.2 The recommendation of the Planning and Economic Development Committee is scheduled to be considered by the Regional Council on September 27, 2023. If Council adopts the proposed Amendment, notice will be given by the Regional Clerk and Council's decision will be final unless appealed to the Ontario Land Tribunal (OLT).

## **12. Relationship to Strategic Plan**

12.1 In the processing of ROPA amendment applications, the objective is to ensure responsive, effective and fiscally sustainable service delivery in accordance with Goal 5 of the Durham Region Strategic Plan (DRSP), "Service Excellence".

## **13. Conclusion**

13.1 The proposed amendment is consistent with the Provincial Policy Statement and conforms with the policies of the Greenbelt Plan and the Durham Regional Official Plan. The required implementing Zoning By-law will prohibit any further severances and the construction of new dwellings on the retained farm parcel. Accordingly, it is recommended that Amendment #192 to the ROP, as shown on Attachment #3, be adopted.

## **14. Attachments**

Attachment #1: Location Sketch

Attachment #2: Applicant's Total Land Holdings

Attachment #3: Amendment #192 to the Durham Regional Official Plan

Respectfully submitted,

Original signed by

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Brian Bridgeman, MCIP, RPP, PLE  
Commissioner of Planning and  
Economic Development

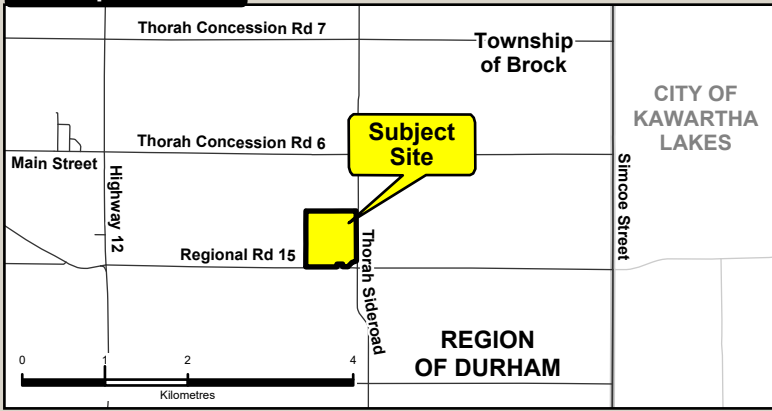
Recommended for Presentation to Committee

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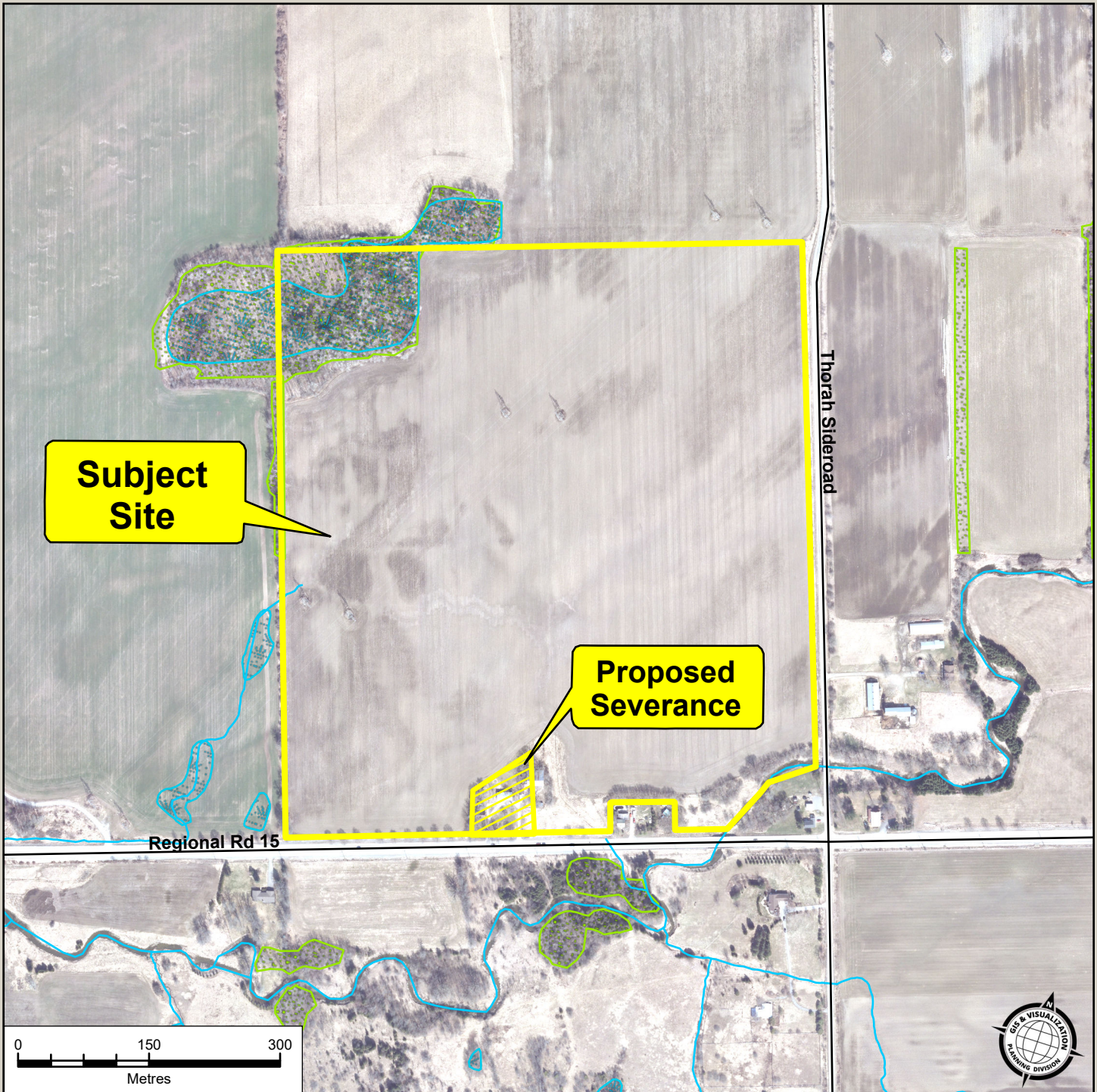
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Elaine C. Baxter-Trahair  
Chief Administrative Officer

**Municipal Context**



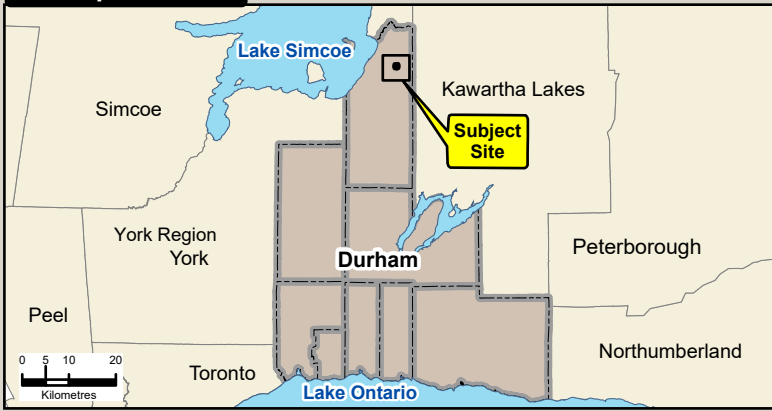
**Attachment #1**  
**Commissioner's Report: 2023-P-20**  
**File: ROPA 2022-004**  
**Municipality: Township of Brock**



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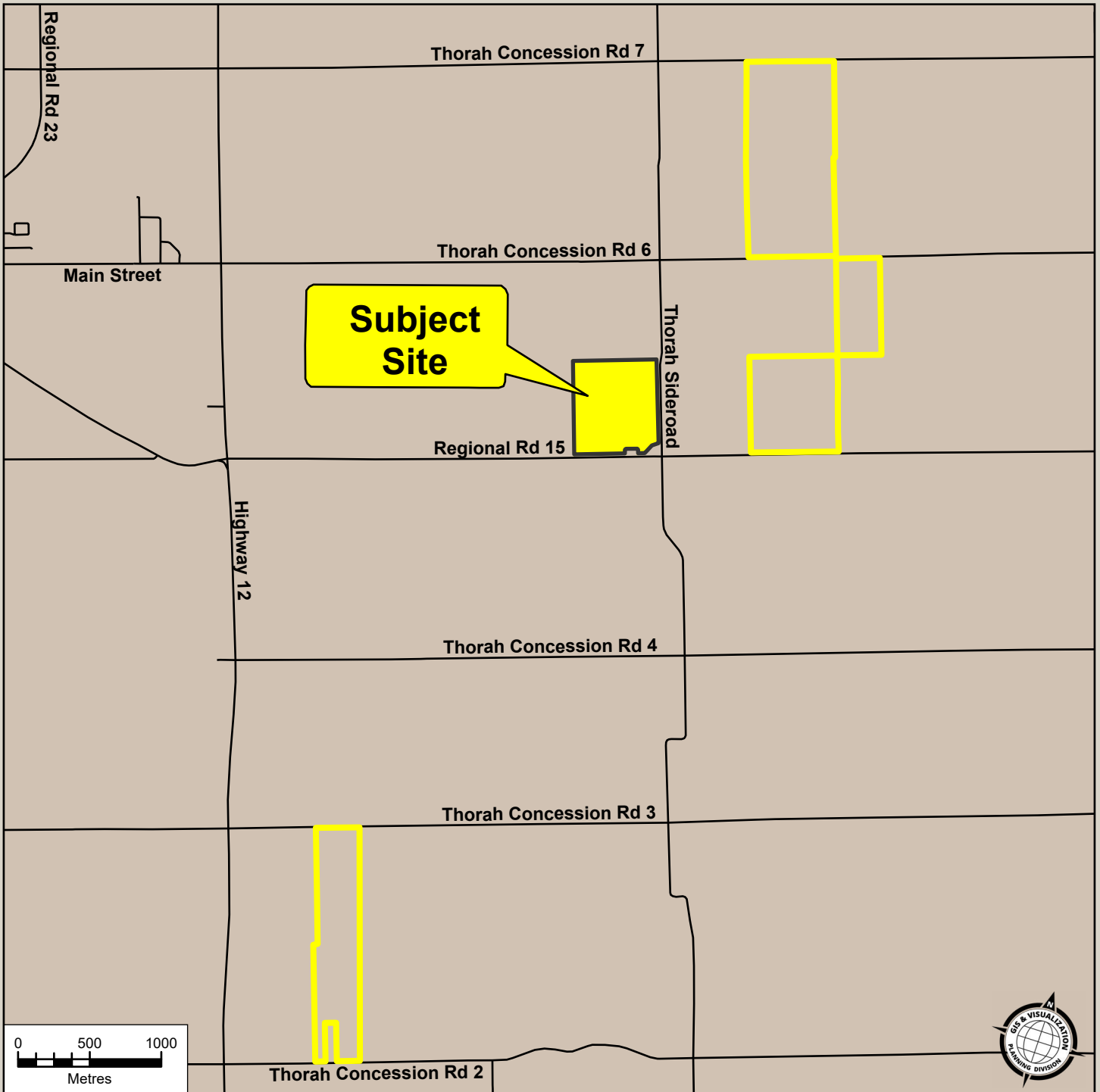
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**Municipal Context**



**Attachment #2**  
**Commissioner's Report: 2023-P-20**  
**File: ROPA 2022-004**  
**Municipality: Township of Brock**

**Legend**



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**Amendment #192 to the Durham Regional Official Plan**

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- Purpose and Effect:** The purpose of this Amendment is to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels on lands designated as “Prime Agricultural Areas.”
- Location:** The subject site is located on the north side of Regional Road 15, west of Thorah Sideroad and is approximately 2.4 kilometres east of the Beaverton Urban Area. The site is municipally known as B1845 Regional Road 15 and is described as Part of Lot 6, Concession 5, former Township of Thorah, in the Township of Brock.
- Basis:** The subject farm property has been consolidated with the other non-abutting farm parcels owned by the applicant. The residential dwelling on the subject site is not required by, and is surplus to, the farm operation. This amendment conforms with the Durham Regional Official Plan, the Greenbelt Plan, and the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
- Amendment:** The Durham Regional Official Plan is hereby amended by adding the following policy exception to Section 9A.3.2:
- “9A.3.2 fff) A surplus farm dwelling rendered surplus from the parcel identified as Assessment No.18-39-010-003-14300 located in Part of Lot 6, Concession 5, former Township of Thorah, in the Township of Brock, subject to the inclusion of the provisions in the zoning by-law to prohibit the establishment of any dwellings on the retained parcel in accordance with the Provincial and Regional policies, no further severance of the property is permitted.
- Implementation:** The provisions set forth in the Durham Regional Official Plan regarding the implementation of the Plan shall apply in regards to this Amendment.
- Interpretation:** The provisions set forth in the Durham Regional Official Plan regarding the interpretation of the Plan shall apply in regards to this Amendment.