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The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2023-P-21
Date: September 5, 2023

Subject:

Decision Meeting Report

Application to Amend the Durham Regional Official Plan, submitted by Michael Smith Planning Consultants Development Coordinators Ltd., on behalf of Gowanlea Ltd., to permit the severance of a farm dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, in the Township of Brock, File: OPA 2023-003

Recommendation:

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

- A) That Amendment #193 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-21; 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 February 14, 2023, Michael Smith Planning Consultants Development Coordinators Ltd. on behalf of Gowanlea Ltd. submitted an application to amend the Regional Official Plan (ROP) to permit the severance of a dwelling rendered surplus as a result of the consolidation on non-abutting farm parcels in the Township of Brock.

2. Site Description

- 2.1 The subject site is located on the north side of Brock Concession Road 7, east of Ridge Road and west of Sideroad 18A. The property is municipally known as 1705 Brock Concession Road 7 and is located at Part of Lots 17 & 18, Brock Concession 7 (refer to Attachment #1).
- 2.2 The subject site is rectangular in shape and is approximately 39.4 hectares (97.3 acres) in size. The southern portion of the site contains an existing house, accessory buildings and a livestock barn. The existing accessory building and livestock barn are to be removed. A wooded area is located in the northeast corner of the site.
- 2.3 The surrounding land uses to the subject site includes:
- a. North - agricultural land, a wooded area and rural residences
 - b. East –Agricultural land, rural residences, a wooded area and Sideroad 18A
 - c. South – Brock Concession Road 7, rural residences, agricultural land, wooded area
 - d. West –Agricultural land, and rural residences, Beaverton River wetland, a camping site and Ridge Road

3. Background

- 3.1 Gowanlea Ltd. has applied to amend the Durham Regional Official Plan (ROP) to permit the severance of a 0.4 ha (1 acre) rural residential parcel of land containing a farm dwelling, from a 39.4 hectare (100 acre) farm parcel.

- 3.2 The applicant has submitted a concurrent Zoning By-law Amendment Application (ZBA-2023-01) with the Township of Brock to rezone the proposed retained farm parcel to prohibit any further severances, and the construction of any new dwellings.

4. Reports Submitted in Support of the Application

- 4.1 A Planning Justification Report/Agricultural Assessment prepared by Michael Smith Planning Consultants Development Coordinators Ltd. dated January 2023, has been submitted in support of the application. The report concludes that the proposed amendment meets the objectives and requirements of the Provincial Policy Statement, the Greenbelt Plan, the Regional Official Plan, the Lake Simcoe Protection Plan (LSPP) and Provincial Minimum Distance Separation (MDS) requirements.
- 4.2 An Environmental Site-Screening Questionnaire dated January 11, 2023, completed by Cambium Inc., reported the subject site as having low level of environmental concerns and no further assessment is required.

5. Previous Reports and Decisions

- 5.1 On May 2, 2023, the Planning and Economic Development Committee received the Public Meeting Report #2023-P-13, which includes details of the proposed non-abutting surplus farm dwelling severance.

6. Provincial Plans and Policies

- 6.1 The subject site is located within the Protected Countryside designation of the Greenbelt Plan. Both the Provincial Policy Statement and Greenbelt Plan permit the severance of a residence surplus to a farming operation as a result of farm consolidation, provided the planning authority ensures that a residential dwelling is not permitted on the proposed retained farm lot created by the severance and will be limited to the minimum size needed to accommodate the use.

6.2 Lake Simcoe Protection Plan (LSPP)

- 6.3 The subject site is within the Lake Simcoe watershed. The objectives of LSPP are protecting, improving or restoring the elements that contribute to the ecological health of Lake Simcoe as well as build on the protections for the Lake Simcoe watershed that are provided by provincial plans that apply in all or part of the Lake Simcoe watershed, including the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan. The applicant is not proposing development near the shores of

Lake Simcoe, on or near tributaries of Lake Simcoe or in or near *Key Natural Heritage and Key Hydrologic Features* that are outside of settlement areas, the *Greenbelt Plan* and the *Oak Ridges Moraine Plan*. As such, the objectives of the proposal complies with the LSPP.

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 Gowanlea owns a total of 22 agricultural properties in the Township of Brock. The applicant's family lives in the homestead located at 11400 Highway 12. 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 a viable farm size 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 May 5, 2023. Commissioner's Report #2023-P-13 provides information on the application.
- 9.2 The Region did not receive any written submission from the public related to the proposed amendment application.

10. Consultation

- 10.1 On May 23, 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. The implementing Zoning By-law Amendment will prohibit any further severances, and the construction of any dwellings on the retained farm parcel.
- 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 also indicated they have no concerns with the approval of the proposed 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 5, 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 #193 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 #193 to the Durham Regional Official Plan

Respectfully submitted,

Original signed by

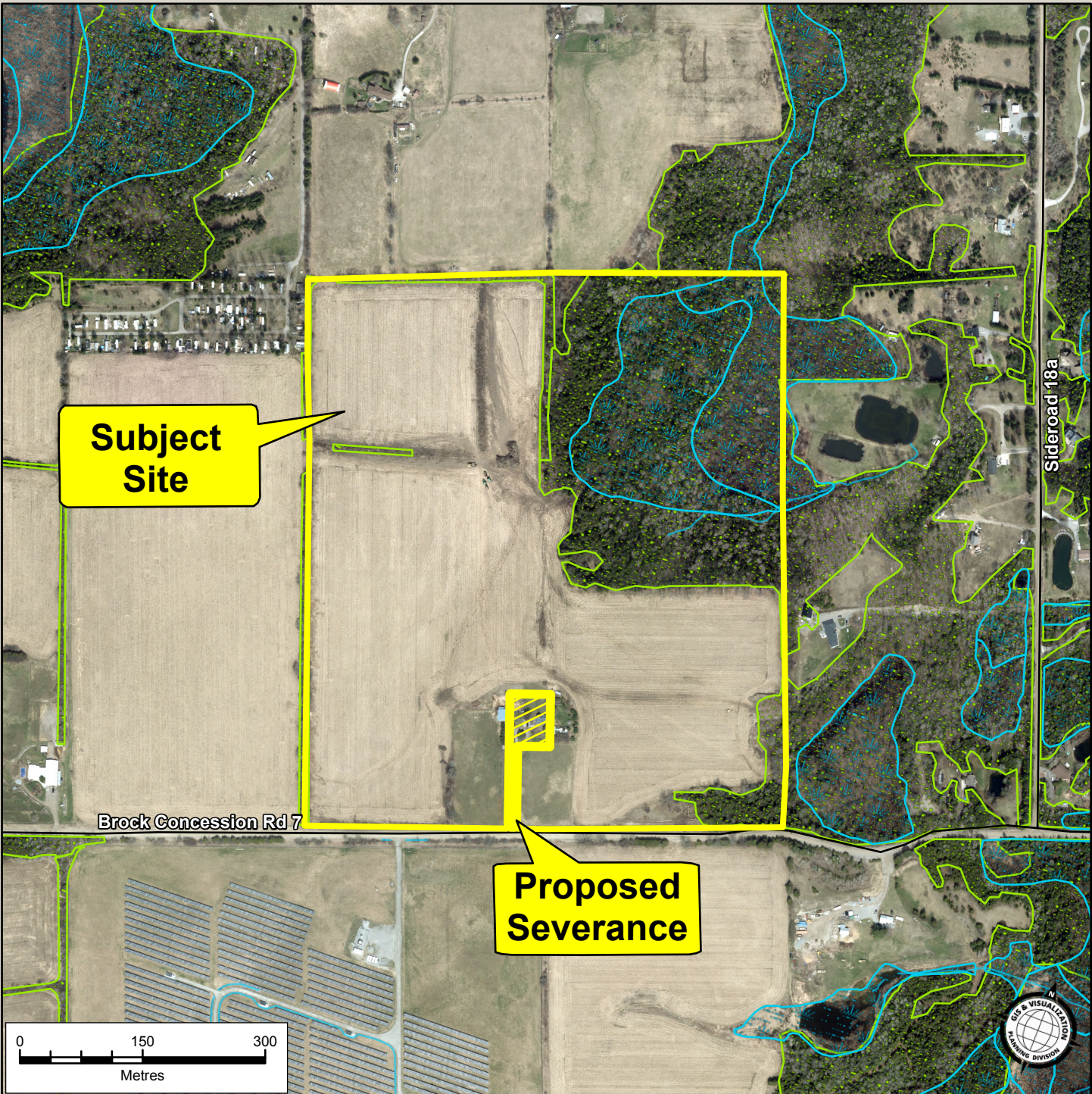
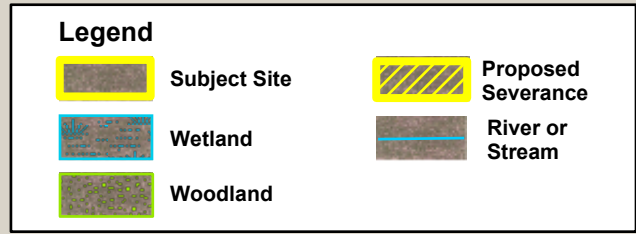
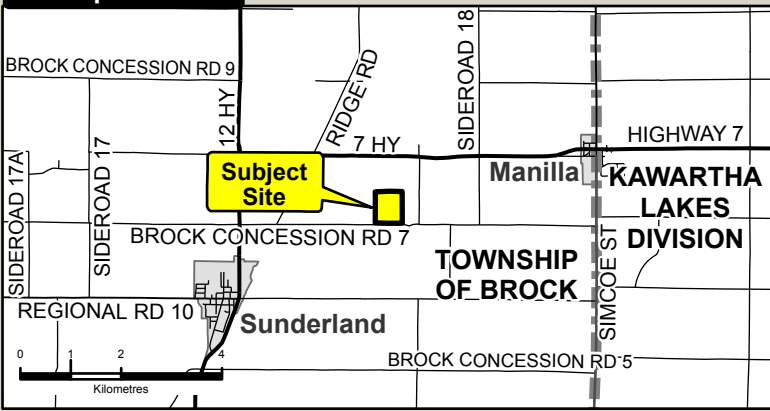
Brian Bridgeman, MCIP, RPP, PLE
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

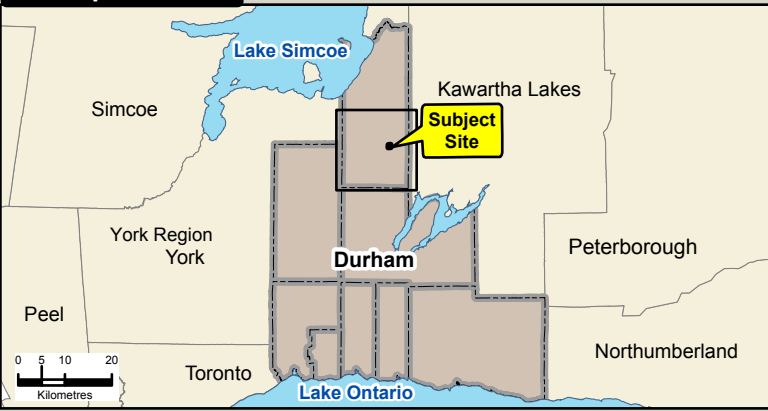
Municipal Context



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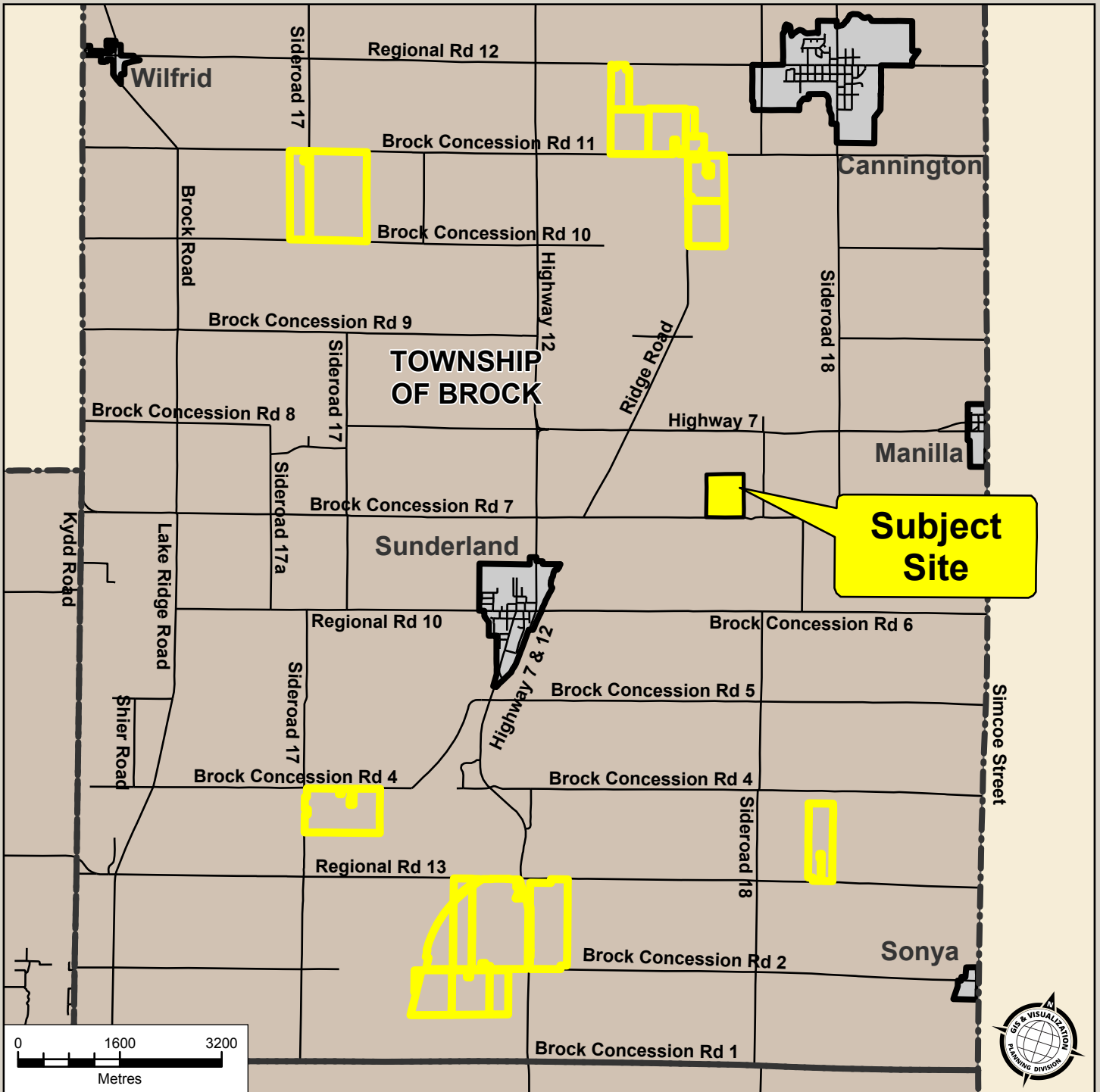
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Municipal Context



Legend

-  Subject Site
-  Other Lands Owned by Gowanlea Ltd.



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Amendment #193 to the Durham Regional Official Plan

- Purpose and Effect:** The purpose and effect of this Amendment is to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels.
- Location:** The subject site is located on the north side of Brock Concession Road 7, east of Ridge Road and west of Sideroad 18A. The property is municipally known as 1705 Concession Road 7 and is part of Lots 17 & 18, Concession 7 in the Township of Brock.
- Basis:** The residential dwelling on the subject site is not required by and is a surplus to the farm operation. The 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 (ggg) A surplus farm dwelling is severed from the parcel identified as Assessment No. 18-39-050-005-28300 located in Part of Lots 17 & 18, Concession 7 in the Township of Brock, subject to the inclusion of provisions in the zoning by-law to prohibit the establishment of any dwellings on the retained parcel. In accordance with Provincial and Regional policies no further severance of 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.