



The Regional
Municipality
of Durham

Planning and Economic
Development Department

Planning Division

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

June 1, 2021

Ms. Debbie Vandenaeker
Planner
Planning and Development Department
Township of Brock
1 Cameron Street East, P.O. Box 10
Cannington, ON L0E 1E0

Dear Ms. Vandenaeker,

Re: Application to Amend the Township of Brock Zoning By-law

File No: **06-2021-RA**
Cross Ref. LD 064/2021
Applicant: Daryl Phoenix
Location: S2205 Concession Road 6
(Part of Lot 23, Concession 6)
North side of Concession Road 6, west of
Simcoe Street North
Municipality: Township of Brock

We have reviewed this proposal and our following comments are offered with respect to the Durham Regional Official Plan (ROP), Provincial policies, delegated Provincial Plan review responsibilities, servicing, transportation and transit.

Purpose of the Application

This development proposes to rezone a future 31.83-hectare (ha) farm parcel to prohibit the construction of a new dwelling in accordance with applicable Provincial and Regional land use policies.

The proponent has also submitted a concurrent Land Division Application with the Region of Durham's Land Division Committee (file number LD 064/2021) to sever a 1.02 ha one-storey farm dwelling and storage shed considered surplus from the existing farm operation. If approved, the retained 31.83 ha farm parcel will be consolidated with the west abutting farm property (S2165 Concession Road 6).

Most of the subject lands are actively cultivated for growing corn crops. The existing dwelling on the subject lands is currently rented to individuals not part of the farming operation.

Provincial Policies

Provincial Policy Statement (PPS)

Policy 2.3.4 of the PPS requires the long-term protection of prime agricultural areas. Permitted uses and activities in prime agricultural areas

If this information is required in an accessible format, please contact the Planner at 1-800-372-1102, extension 2551.

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include: agricultural uses; agricultural-related uses and on-farm diversified uses provided that they do not hinder surrounding agricultural operations.

In accordance with Policy 2.3.4.1 of the PPS, lot creation in prime agricultural areas may only be permitted where a residence is surplus to a farming operation because of farm consolidation provided that:

- The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- That new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The development proposal is considered a residence surplus to an existing farm operation and will be limited in size and prohibit the development of a new residence on the proposed farm parcel through the rezoning application process. Details of the proposed severance will be further addressed through LD 064/2021. As such the rezoning application is consistent with the PPS policies.

Greenbelt Plan

The Greenbelt Plan identifies the subject site as part of its Protected Countryside comprised of both the *Agricultural System* and *Natural System*. Within these Systems, the subject lands are further designated as *Prime Agricultural Areas* and *Natural Heritage System* respectively. These designations require the promotion and protection of all types, sizes, and intensities of agricultural, agriculture-related, on-farm diversified uses and other normal farm practices.

Similar to the PPS, Policy 4.6.1 f) of the Plan considers the severance of a residence surplus to a farming operation as a result of a farm consolidation, where a habitable residence was an existing use, subject to the similar criteria as the PPS, which achieves the same goal.

Most of the farm parcel is actively cultivated and will be rezoned to prohibit a new dwelling. As such the rezoning application conforms with the Greenbelt Plan policies.

Durham Region Official Plan (ROP)

The ROP designates most of the subject lands as *Prime Agricultural Areas*, Rural System and designates the north portion of the subject site as *Major Open Space Areas*, Greenlands System. These designations permit a full range of agricultural, agricultural-related and secondary uses.

In accordance with Policy 9A.2.9 of the ROP, the severance of a habitable surplus farm dwelling associated with the consolidation of an abutting farm may be considered subject to the following criteria:

- The farms are merged into a single parcel;

- The dwelling is not needed for a farm employee
- Within the Protected Countryside of the Greenbelt Plan Area, the dwelling existed on December 16, 2004;
- The retained farm parcel is zoned to prohibit any further severances and the establishment of any residential dwelling; and
- No further severances from the retained farm parcel is granted.

The rezoning application will prohibit a new dwelling on the future retained farm parcel. However, in accordance with Policy 9A.2.9, the ROP also requires a provision in the zoning by-law to restrict further severances from the retained parcel. Provided that the zoning by-law includes a restriction in the zoning by-law to prevent further severances from the retained farm parcel, the rezoning application will conform to the ROP.

Delegated Provincial Plan Review Responsibilities

Agricultural Impact Assessment and Minimum Distance Separation

Clark Consulting Services (CCS) prepared a joint Planning Justification Report/Agricultural Assessment dated April 2021 in support of this proposal. CCS reviewed if the development proposal will provide odour conflicts between residential (i.e. the proposed surplus farm dwelling) and agricultural land uses containing livestock facilities and/or permanent manure storage. This analysis is known as Minimum Distance Separation One (MDS I).

The Agricultural Assessment concluded that MDS I is not applicable since the subject lands do not contain a livestock facility.

In accordance with Implementation Guideline 9 of the Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Document (Publication 853), an MDS I setback is required for a proposed farm lot containing an existing surplus farm dwelling and livestock facility or anaerobic digester prior to land division.

Since the farm parcel does not contain a livestock facility or an anaerobic digester, we are satisfied with CCS' Agricultural Assessment report prepared for the *site*.

Environmental Site Screening

In support of this application, the proponent has completed the Region's Site Screening Questionnaire (SSQ) form for Identifying Potentially Contaminated Development Sites. The proponent and GHD [a qualified firm in accordance with the Ontario Brownfields Regulation (O.Reg. 153/04) to review soil and groundwater reports] have declared that the site does not contain evidence of potentially contaminated activities.

As such, we are satisfied with the proponent's response on their SSQ form.

Environmental Natural Heritage

In accordance with Schedule B – Map 'B1a' of the ROP, portions of the subject lands are classified as Key Natural Heritage and Hydrologic Features (KNHHF).

Since the existing farm dwelling is considerably situated far away from these features, we have waived the requirement for the proponent to prepare an Environmental Impact Study (EIS).

Regional Servicing, Transportation and Transit

This development proposal does not present any significant Regional municipal or private servicing, transportation and/or transit impacts. There are no municipal services within the vicinity of the subject lands.

Conclusion

In reviewing this application, the Region does not object to the proposed rezoning of the subject lands provided that it also prohibits any future severances to the future retained farm parcel provided that the Region's Land Division Committee approves Land Division file number LD 064/2021.

Please do not hesitate to contact me at 905-668-4113, extension 2547, if you have any questions or require further information.

Yours truly,

Ashley Yearwood

Ashley Yearwood, MCIP, RPP
Project Planner

cc: Ron Warne, Kawartha Region Conservation Authority
Tom Clingham, Regional Works Department
Chris Leitch, Regional Transportation Planning
Christopher Norris, Durham Region Transit
Laura Kubilis, Durham Region Transit