



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Robin Prentice, MCIP, RPP

Position: Director of Development Services

Title / Subject: Regional Official Plan Amendment (ROPA-2023-003) and Zoning By-law Amendment (ZBA-2023-01) Applications, 1705 Concession Rd 7 – Recommendation Report

Date of Report: May 2, 2023

Date of Meeting: May 8, 2023

Report No: 2023-DS-011

1.0 Issue / Origin

On February 14, 2023, an application to amend Zoning By-law 287-78-PL was received by the Township from Michael Smith Planning Consultants (the Agent) on behalf of Gowanlea Ltd. (the Owner and Applicant).

This application is related to a Regional Official Plan Amendment (ROPA-2022-003) that was received by the Region of Durham on February 14, 2023.

These applications were submitted to facilitate the severance of a surplus farm dwelling (Attachment 1 – Severance Sketch)

The purpose of this report is to provide recommendations regarding the Regional Official Plan Amendment and Zoning By-law Amendment applications.

2.0 Background

2.1 Proposal

Gowanlea Ltd. purchased the property in January 2022 and the lands are used for crop rotation. Gowanlea Ltd. is a private farm business that owns and farms 22 agricultural properties totalling 833 hectares of land within Brock Township. The existing house is not utilized by farm employees and is surplus to the farm operation.

The intent is to sever the existing house from the farmland, so that the house lot can be sold, and the retained farmland will continue to be farmed as part of a larger farm operation.

The Township of Brock is the approval authority for the zoning. The purpose of the proposed Zoning By-law Amendment (ZBA) is to rezone the property to recognize the existing dwelling as a rural residential lot and to rezone the farmland to prohibit any further severances and the construction of any new dwellings (Attachment 2 – Draft Zoning By-law).

The Region of Durham is the approval authority for the Regional Official Plan Amendment (ROPA) application, which is required to facilitate the severance of the surplus dwelling because the owner's farm operation takes place on non-abutting farm parcels.

A Land Division application will also be required to facilitate the proposed severance.

2.2 Location and Context

Location:	Part of Lots 17-18, Concession 7 (1705 Concession Rd 7)
Official Plan Designation:	Greenbelt Protected Countryside Prime Agricultural Area & Major Open Space
Zoning:	Rural (RU) and Environmental Protection (EP)
Present Use:	Agricultural and environmental
Adjacent Uses:	Agricultural, rural residential, environmental, campground
Lot Area:	39.4 ha (97.36 acres)
Lot Frontage:	587.74 m (1928.28 ft)

The property is currently serviced with a private sewage system and well relating to the existing house.

3.0 Analysis

3.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The subject lands are located within areas defined by the PPS as Prime Agricultural Areas. Although the PPS discourages lot creation within the Prime Agricultural Areas, severance of a residence surplus to a farming operation as a result of farm consolidation is permitted provided the severed lot is limited to the minimum size needed to accommodate the use and private servicing and that new residential dwellings are prohibited on the remnant parcel of farmland created by the severance. The proposed ZBA will prohibit the establishment of any future residential dwellings on the proposed retained farm parcel.

It is Planning Staff's opinion that the proposal is consistent with the PPS.

3.2 Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides policies for lands within the Agricultural areas of the Township and encourages the protection of existing farmland and the continued use of these lands for agricultural purposes. The Growth Plan permits lot creation on rural lands provided they:

- i. are compatible with the rural landscape and surrounding local land uses;
- ii. will be sustained by rural service levels; and
- iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

The existing residential use is an established land use that is compatible with the rural landscape and surrounding land uses. The proposed severance of the dwelling is sustainable on existing rural services (existing private well and septic system). The lot configuration of the proposed severed parcel will not impede the use of the surrounding agricultural lands.

It is Planning Staff's opinion that the proposal conforms to the Growth Plan.

3.3 Greenbelt Plan (2017)

The Greenbelt Plan provides policies to protect the agricultural land base and the ecological features and functions that occur in the rural landscape. The subject lands are located within the Greenbelt Protected Countryside and the Prime Agricultural Area designation. Within such areas, lot creation is permitted for the severance of a residence surplus to a farming operation as a result of farm consolidation, on which a habitable residence was an existing use, provided:

- i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and
- ii. A residential dwelling is not permitted in perpetuity on the retained lot of farmland created by the severance.

The retained farm parcel is to be rezoned to prohibit future residential uses.

It is Planning Staff's opinion that the proposal conforms to the Greenbelt Plan.

3.4 Region of Durham Official Plan

The subject lands are designated "Prime Agricultural Area" in the Regional Official Plan (ROP). 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 needed for a farm employee;
- b) The farm parcel is of a size which is viable for farming operations;
- c) Within the Protected Countryside of the Greenbelt Plan Area, the dwelling was in existence as of December 16, 2004; and
- d) The retained farm parcel is zoned to prohibit any further severances and the establishment of any residential dwelling.

The ZBA application proposes to rezone the retained lands in accordance with the Provincial and Regional policies to prohibit any further severances and residential dwellings and the existing house on the property was in existence prior to December 16, 2004.

The ZBA application is related to the applicant's application to amend the ROP (ROPA-2022-003) to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farms. This application is being reviewed by the Region of Durham.

Once the ROPA application is approved by the Region of Durham, it is Planning Staff's opinion that the proposed zoning by-law would conform with the ROP.

3.5 Township of Brock Official Plan

The policies of the Township's Official Plan permit the severance of a residence surplus to a farming operation as a result of a farm consolidation, which may include farm holdings which are either abutting or non-abutting, provided new residential dwellings are prohibited on the retained farmland parcel.

It is Planning Staff's opinion that the proposal conforms to the Township's Official Plan.

3.6 Township of Brock Zoning By-law 287-78-PL

The Subject Lands are currently zoned Rural (RU) and Environmental Protection (EP) in the Township's Zoning By-law 287-78-PL (as amended). The severed parcel is proposed to be zoned to Rural Residential (RR) Zone. The retained parcel is proposed to be zoned Rural Exception Sixty-Three (RU-63) Zone; and Environmental Protection Exception Ten (EP-10) Zone to prohibit any further severance and residential uses. Please refer to Attachment 2 for the proposed Zoning By-law.

3.7 Agency Circulation Comments

The applications were circulated to the required agencies in accordance with the Planning Act.

Region of Durham:

- **Planning & Economic Development** No objection to the proposed ZBA. The proposed ZBA will satisfy the rezoning condition required in the ROP for the proposed retained lot to prohibit any further severances and the construction of any new dwellings.
- **Transportation** No concerns.
- **Works** No concerns.
- **Health Dept.** No concerns.

Lake Simcoe Region Conservation Authority

No objection. The application has demonstrated consistency with Section 3.1 – Natural Hazards of the Provincial Policy Statement. Ontario Regulation 179/06 applies to the subject property. An LSRCA permit is not required to facilitate this proposal.

Enbridge Gas Distribution

No objection.

Hydro One

No comments received.

Durham District School Board No comments received.

Durham Catholic District School Board No comments received.

Township of Brock:

- **Public Works** A roadway entrance permit and fee will be required from the Township should a new driveway be required.

4.0 Related Policies / Procedures

This application is related to a ROPA application (ROPA-2022-003) that was received by the Region of Durham.

A Land Division application will also be required to facilitate the proposed severance.

5.0 Financial / Budget Assessment

The required ROPA and ZBA application fees have been received by the Township.

6.0 Climate Change Impacts

There are no anticipated impacts as a result of this report and associated zoning by-law.

7.0 Communications

A statutory public meeting was held by the Region of Durham for the ROPA application on May 2, 2023 in accordance with the Planning Act.

A virtual statutory public meeting for the ZBA application was held on March 27, 2023 in accordance with the Planning Act. Notice of the statutory public meeting was provided to all property owners within 200m of the subject property, posted on the Township's website and included on the Township's page in the local newspaper. Signs were also placed on the property to notify the general public of the application. No members of the public provided verbal comments at the public meeting and no written comments were received from the public.

8.0 Conclusion

The content in this report is intended to provide sufficient information to Council to make a decision on the ZBA application and provide a position to the Region regarding the ROPA application. It is staff's opinion that the ROPA and ZBA applications are consistent with the PPS, and in conformity with the Growth Plan, Greenbelt Plan, and Township Official Plan. Township staff recommend the endorsement and approval of the applications by the respective agencies. It is recommended that the Zoning By-law be brought back to Council for adoption once the Region has made a decision on the ROPA application.

9.0 Recommendation

Be it resolved that Report 2023-DS-011 regarding Regional Official Plan Amendment (ROPA-2023-003) and Zoning By-law Amendment (ZBA-2023-01) applications for 1705 Concession Rd 7 – Recommendation Report, be received;

That staff be authorized to advise the Region of Durham that the Township has no objections to the adoption of the proposed Regional Official Plan Amendment (ROPA-2023-003);

That application ZBA-2023-01 to amend Zoning By-law 287-78-PL be approved; and

That the Zoning By-law appended to this report as Attachment 2 be brought forward to Council for adoption once the Region of Durham adopts the Regional Official Plan Amendment.

Attachments:

Attachment 1 – Proposed Severance Sketch

Attachment 2 – Proposed Zoning By-law