

REVISED



The Regional Municipality of Durham Report

To: Committee of the Whole
From: Commissioner of Planning and Economic Development
Report: #2017-COW-239
Date: November 1, 2017

Subject:

Decision Meeting Report

Application to Amend the Durham Regional Official Plan, submitted by Lakewinds Farm Limited, 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, File OPA 2017-001

Recommendation:

That the Committee of the Whole recommends to Regional Council:

- A) That Amendment #170 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 #2017-COW-239; 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 all other persons or public bodies who requested notification of this decision.
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Report:

1. Background

1.1 On April 4, 2017, Clark Consulting Services, on behalf of Lakewinds Farm Limited,

submitted an application to amend the Durham Regional Official Plan (ROP) 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.

- 1.2 The subject site is located on the south side of Thorah Concession Road 2, north of Regional Highway 48, between Sideroad 17 and Regional Highway 12/48, in the Township of Brock (Refer to Attachment #1). The site is legally described as Part of north half and Part of south half of Lot 15, Concession 1, in the Former Township of Thorah.
- 1.3 The subject site is irregular in shape and is approximately 39 hectares (96 acres) in size, with 26 hectares (64 acres) used for agricultural purposes. The northern part of the site contains a house, barn and silo, and the southern part of the site is wooded and wetland area. The barn on the farm parcel is proposed to be retained for storage of farm machinery.
- 1.4 Lakewinds Farm Limited is a private farm corporation owned by Urs Kressibucher and Margaret Munro. The applicants own 366 hectares (905 acres) of land and cultivate 647 hectares (1,600 acres) of workable farmland. The business also employs one full-time employee.
- 1.5 The surrounding land uses include:
 - North - agricultural lands, and rural residences;
 - East - agricultural lands, rural residences, and Regional Highway 12 & 48;
 - South - Regional Highway 48, rural residences, and agricultural lands; and
 - West - agricultural lands, rural residences, and Sideroad 17.
- 1.6 The proposal to amend the ROP will permit the severance of a 1.07 hectare (2.7 acre) parcel that contains an existing surplus dwelling, retaining a 36 hectare (89 acre) farm parcel. The proposed retained parcel will continue to be used for agricultural purposes.

2. Reports Submitted in Support of the Application

- 2.1 A Planning Justification Report/Agricultural Assessment prepared by Clark Consulting Services, dated March 2017 concluded that the proposal complies with the Minimum Distance Separation Formulae (MDS), the Provincial Policy Statement (PPS), the Greenbelt Plan, and the Regional Official Plan (ROP). The Site

Screening Questionnaire indicates that there are no site contamination issues on the subject site.

3. Provincial Policies

3.1 The subject site is located within the Protected Countryside designation of the Greenbelt Plan. Both the Greenbelt Plan and the PPS permit the severance of a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that a residential dwelling is not permitted on the proposed retained farm lot created by the severance.

4. Regional Official Plan

4.1 The subject site is designated "Prime Agricultural Areas" in the ROP. Lands within this designation are to be used primarily for agriculture and farm-related uses.

4.2 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 operation;
- c) within the Protected Countryside of the Greenbelt Plan Area, the dwelling was in existence as of December 16, 2004; and
- d) the farm parcel is zoned to prohibit any further severances and the establishment of any residential dwelling.

The ROP also states that no further severances shall be permitted from the acquired parcel.

5. Planning Analysis

5.1 Lakewinds Farm Limited owns a total of eight agricultural properties in the Township of Brock and in the City of Kawartha Lakes (Refer to Attachment #2). Five of the farm properties include existing residences. The subject acquired farm parcel contains an existing dwelling not utilized by a farm employee and is rendered surplus to the needs of the farm operation. The proposed retained parcel is an appropriate size that will continue to remain viable for agricultural production.

5.2 The surplus farm residence on the site was built in the 1970s, which complies with

the provisions of the Greenbelt Plan and the ROP. The severed parcel is sufficient size needed to accommodate the surplus dwelling and existing private servicing systems.

- 5.3 The draft Official Plan Amendment requires that the required Zoning By-law Amendment include provisions to prohibit any further severances and/or a new dwelling to be constructed on the retained parcel, and that livestock not be housed in the existing barn.

6. Public Meeting and Submissions

- 6.1 In accordance with the Planning Act, a notice of public meeting regarding the application was published in the appropriate newspaper, mailed to those who own land within 120 metres (400 feet) of the subject site, and a public meeting was held on June 7, 2017. Commissioner's Report #2017-COW-127 provides information on the application.

- 6.2 The Region did not receive any written submissions from the public concerning the application.

7. Consultation

- 7.1 On July 31, 2017, the Township of Brock adopted a resolution supporting the approval of the ROP Amendment and the related Zoning By-law Amendment applications. The implementing zoning by-law will prohibit any further severances and/or a new dwelling to be constructed on the proposed retained parcel. The by-law will also prohibit the existing barn from being used to house livestock.
- 7.2 The Regional Health and Regional Works Departments, the Lake Simcoe Region Conservation Authority, the Ministry of Municipal Affairs, and the Durham Agricultural Advisory Committee have no concerns with the application.

8. Notice of Meeting

- 8.1 Written notification of the meeting time and location of the Committee of the Whole and Council was sent to all that requested notification, in accordance with Regional Council procedure.
- 8.2 The recommendation of the Committee of the Whole is scheduled to be considered by Regional Council on November 8, 2017. 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 Municipal Board.

9. Conclusion

9.1 The amendment proposal complies with the MDS, the PPS, the Greenbelt Plan, and the ROP. It has been demonstrated that the subject dwelling is surplus to the farm operation. Through the inclusion of the proposed zoning restrictions, the proposal would maintain the intent of the ROP to preserve farmland for agricultural purposes. Accordingly, it is recommended that Amendment #170 to the ROP, as shown in Attachment #3, be adopted.

10. Attachments

Attachment #1: Location Sketch

Attachment #2: Inventory of Lakewinds Farm Limited Holdings

Attachment #3: Amendment #170 to the ROP

Respectfully submitted,

Original signed by

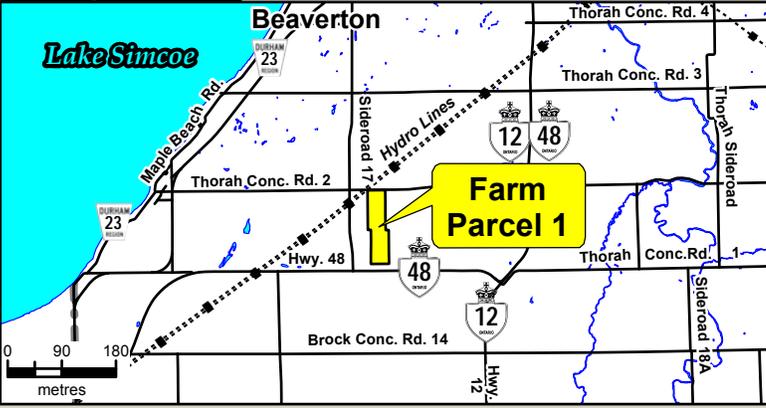
B.E. Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

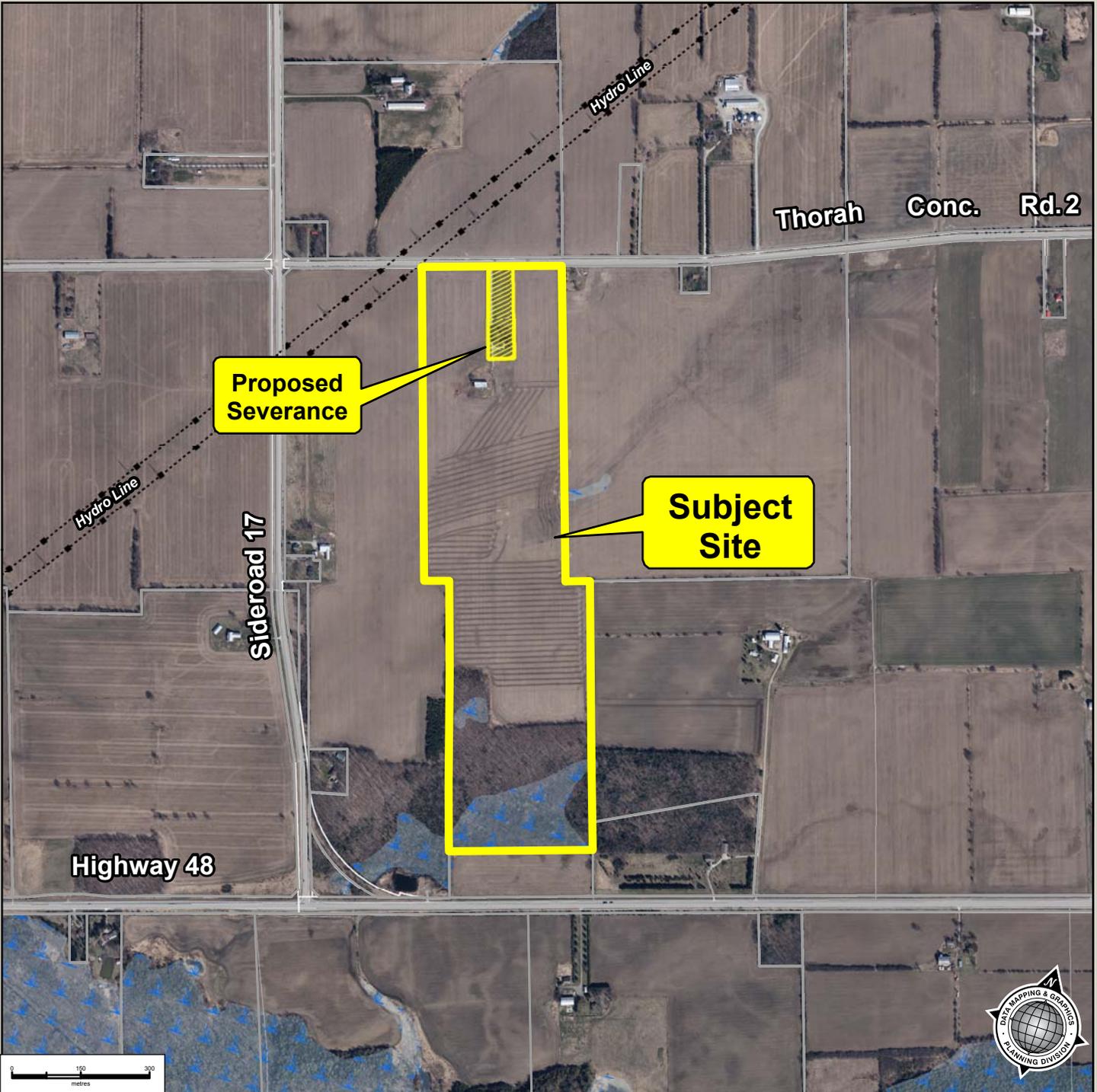
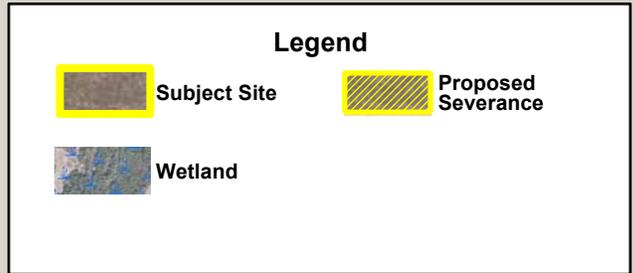
Original signed by

G.H. Cubitt, MSW
Chief Administrative Officer

Municipal Context



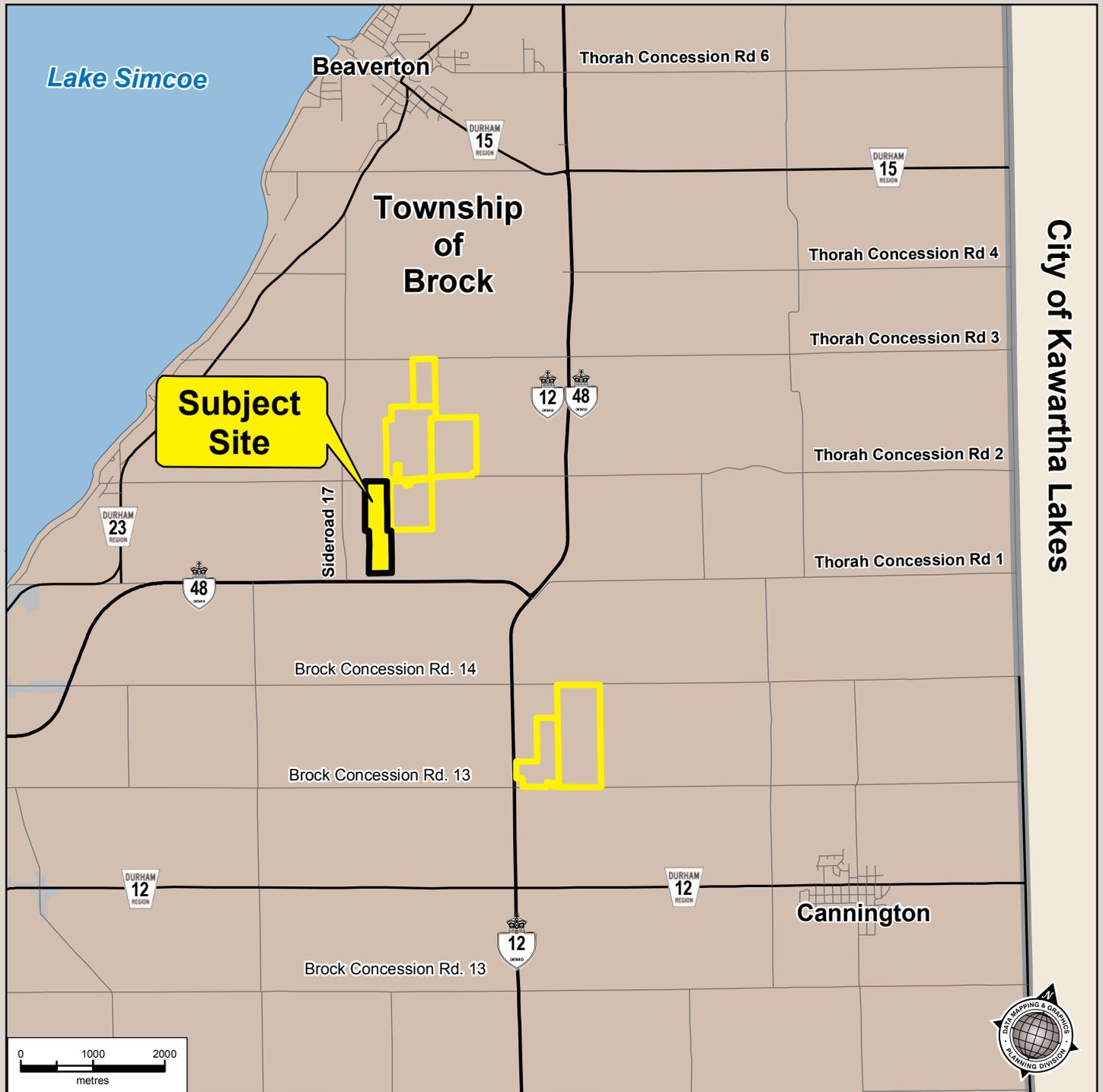
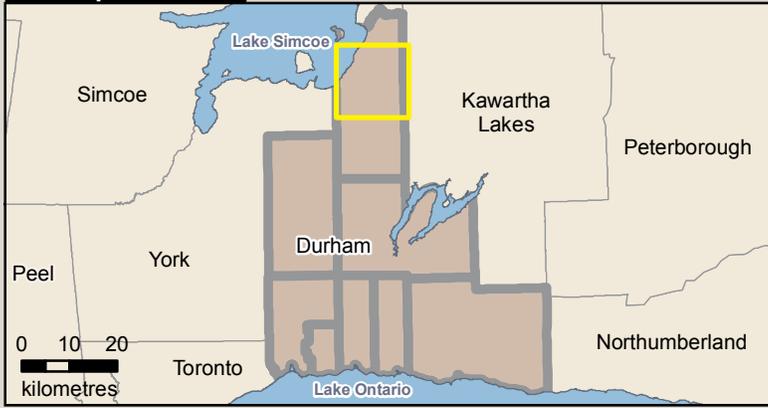
Attachment# 1
Commissioner's Report: 2017-COW-239
File: OPA 2017-001
Municipality: Township of Brock



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Municipal Context



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Amendment #170 to the Durham Regional Official Plan

- Purpose:** The purpose of this Amendment is to permit the severance of a residential dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels on lands designated “Prime Agricultural Areas,” in the Township of Brock.
- Location:** The subject site is located on the south side of Thorah Concession Road 2, north of Regional Highway 48, between Sideroad 17 and Regional Highway 12/48, in the Township of Brock. The site is legally described as Part of north half and Part of south half of Lot 15, Concession 1, in the Former Township of Thorah.
- Basis:** The subject site has been consolidated with the other non-abutting farm parcels owned by the applicant. The residential dwelling on the subject land is not required by, and is surplus to the farm operation. This application complies with the Durham Regional Official Plan, the Greenbelt Plan, and 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 qq) A surplus dwelling as severed from the parcel identified as Assessment No. 18-39-040-004-02300 located in Part of north half and Part of south half of Lot 15, Concession 1, former Township of Thorah, in the Township of Brock, subject to the inclusion of provisions in the zoning by-law to prohibit: further severances; the construction of any dwelling on the retained parcel; and the use of the existing barn from housing livestock.”*
- 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.