



# REPORT

## Development Services - Planning

**TO:** Planning and Economic Development Committee  
**FROM:** Haley Dickson, Senior Planning Technician  
**DATE:** October 21, 2024  
**REPORT:** DS-62/24                      **FILE NO.** LD-08/2024

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**SUBJECT:** Land Division Application  
2095134 Ontario Inc.  
3 Deerfoot Drive  
PCL 12-2 SEC M1195; FIRSTLY: PT LT 11, PL M1195 (UXBRIDGE),  
PT 2, 40R12171; SECONDLY: LT 12, PL M1195 (UXBRIDGE),  
EXCEPT PT 3, 40R12171  
Township of Uxbridge

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### **BACKGROUND:**

The subject property is primarily located in 'Protected Countryside Area' of the Greenbelt Plan and is part of the Natural Heritage System. The lands are designated 'Major Open Space' in the Region of Durham Official Plan.

The subject property is zoned Estate Residential (ER) in Uxbridge Zoning By-law 81-19.

The subject land has an approximate area of 2.89 hectares and is mostly covered with grass and trees with a pond. The subject lands are proposed to be severed in the manner illustrated in Figures 1 and 2. Table 1 summarizes the parcel descriptions.

Specifically, the application seeks to convey 0.05 hectares of the property (Part 1) to the neighboring property located at 1 Deerfoot Drive, owned by Mr. Glenn and Mrs. Suzanne Arnold (benefitting property). The retained parcel of land consisting of greenspace and a pond will maintain a 37 m frontage on Deerfoot Drive and have an approximate area of 2.84 hectares.

Table 1: Parcel Descriptions summarizes frontages and areas for existing, severed and retained parcels.

	3 Deerfoot Drive (Subject Parcel)			
	Required	Existing	Retained	Severed
Lot Area	0.8 ha	2.89 ha	2.84 ha	0.05 ha
Lot Frontage	60 m	67 m	37 m	30 m

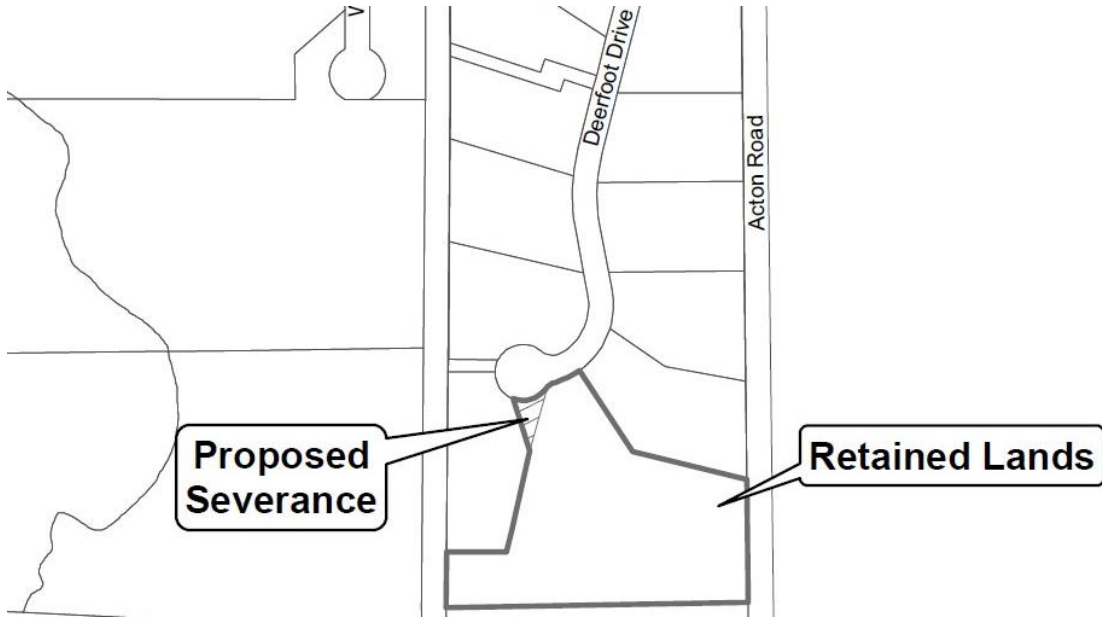


Figure 1: Key Map

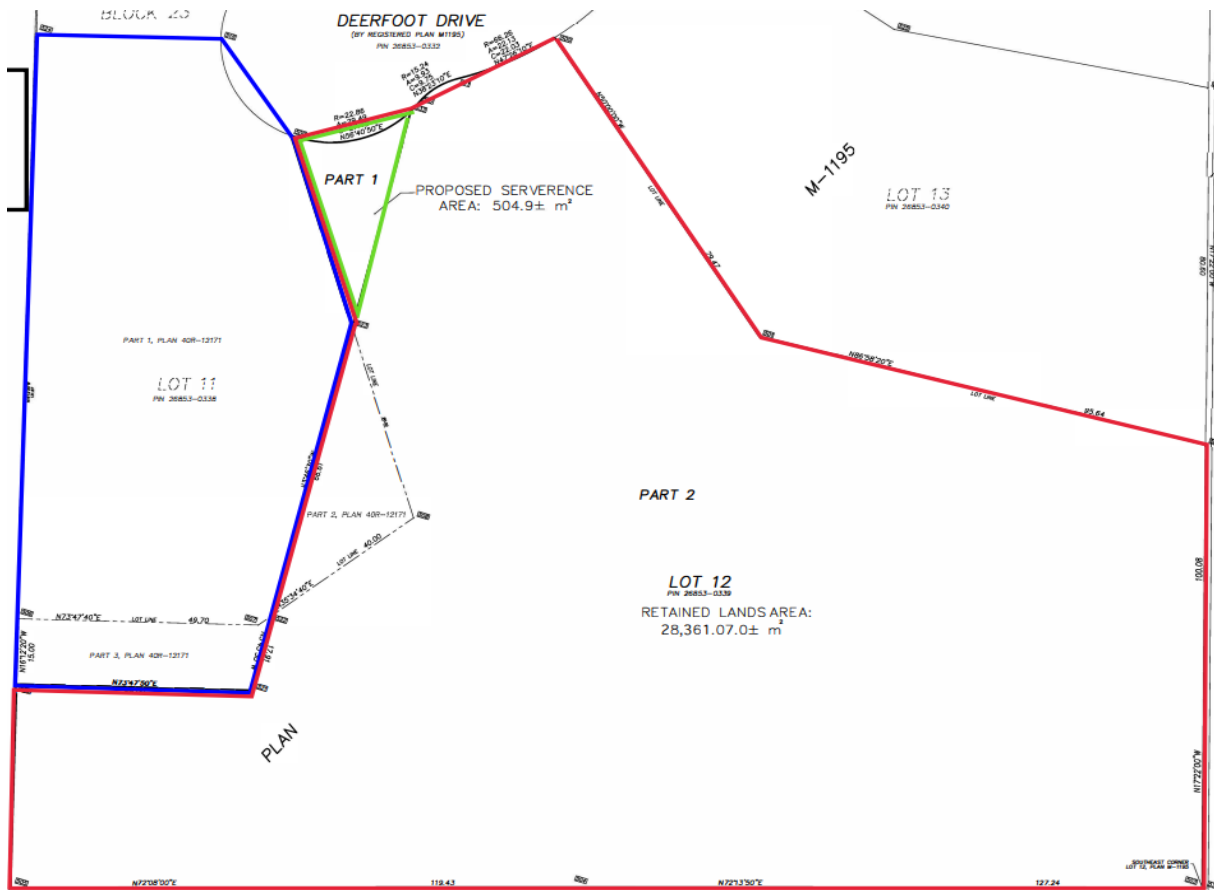


Figure 2: Severed Parcel Description

## PROVINCIAL PLANS AND POLICIES, OFFICIAL PLANS AND ZONING:

### The Provincial Planning Statement, 2024:

The Provincial Planning Statement (PPS) provides policies that direct development while protecting resources of provincial interest, public health and safety; and the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. Decisions affecting planning matters must be consistent with the PPS. Applicable policies include:

- **Section 2.6.1 c)** *residential development, including lot creation, that is locally appropriate;*
- **Section 2.6.2** *Development that can be sustained by rural service levels should be promoted.*
- **Section 2.6.5** *New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

### Greenbelt Plan (2017):

The property is situated within the 'Protected Countryside Area' of the Greenbelt Plan. The Greenbelt Plan provides policies for land division applications situated within the 'Protected Countryside Area'. Applicable policies include:

- **Section 4.6.1(e)** *Lot creation is discouraged and may only be permitted for:*
  - e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature; and*

### Envision Durham - Region of Durham Official Plan:

Envision Durham, the new Regional Official Plan "Map 1" identifies the as "Major Open Space Areas." "Map '2a' of the Region's Official Plan identifies the subject property and benefiting property as within 'Regional Natural Heritage System.' The lands are designated "Greenbelt- Protected Countryside" and "Greenbelt Natural Heritage System" on 'Map 2b' of Envision Durham - Region's Official Plan.. The following are relevant criteria established for the evaluation of severances in the Regional Plan:

- **Section 6.4** of *Envision Durham - Regional Official Plan* provides details pertaining to Rural Lot Creation & Severances.
- **Policy 6.4.9(e)** of *Envision Durham - Regional Official Plan* states that "It is the policy of Council to: Allow consents that do not result in the creation of a new lot, in the following cases:
  - e) conveyances between existing lots of record."*

- **Policy 11.3.10** states that *“It is the policy of Council to: Grant only those severances which conform with the intent of this Plan and this Plan’s designations, uses and policies, the zoning by-laws of the respective area municipality and in accordance with the Planning Act. Under no circumstances shall severances be granted that are contrary to this Plan and/or any area municipal official plan.”*
- **Policy 11.3.13** states that *“It is the policy of Council to: Ensure All parcels of land are an adequate size for the use proposed, having regard to the topography of the land, the siting of proposed buildings and points of access. Where municipal services do not exist and are not to be provided for the development, regard shall be had to the suitability of the soil conditions to provide for an adequate potable private water supply, and for the installation of a satisfactory private sewage disposal system which complies with the standards of the Ministry of the Environment, Conservation and Parks and the Region..”*
- **Policy 11.3.14** states that *“It is the policy of Council to: Ensure all proposed lots have frontage upon, and access to, a public road maintained by the appropriate authority as open to traffic on a yearround basis and is of a standard of construction adequate to provide for the additional traffic generated by the proposed development.*
- **Policy 11.3.24** states that *“It is the policy of Council to: Refuse the creation of new lots within the Oak Ridges Moraine and Greenbelt Protected Countryside within or partially within a minimum vegetation protection zone of a key natural heritage feature and/or a key hydrologic feature, unless otherwise specified in this Plan.”*

### **Uxbridge Zoning By-law 81-19:**

The retained and severed lands are zoned ‘Estate Residential (ER)’. The ER zone establishes minimum lot area and lot frontage requirements of 0.8 ha and 60 meters respectively. The retained lot would not comply with the minimum lot area requirement of the ‘Estate Residential (ER)’ Zone. As a result, a minor variance or re-zoning would be required to provide relief from Section 4.6.2 (a) of Zoning By-law 81-19. The benefiting property at 1 Deerfoot Drive is zoned ‘Estate Residential (ER)’. The severed/conveyed lands to be obtained by the property owner at 1 Deerfoot Drive will enlarge the benefiting lot and appear to comply with the lot area and lot frontage requirement of the ‘Estate Residential (ER)’ zone.

### **AGENCY COMMENTS:**

Comments were received from Central Lake Ontario Conservation Authority, Lake Simcoe Region Conservation Authority, Durham District School Board, Enbridge Gas, Bell Canada, Heritage Uxbridge, Metrolinx, the Ministry of Transportation of Ontario, HydroOne, Region of Durham Works Department, Region of Durham Health Department and the Township of Brock. None of the comments received provided any objections to the approval of the application.

Comments were also received from the Region of Durham Planning and Economic Development Department, which did not object to the approval of the application provided conditions included in their July 16, 2024, letter were included in Council’s decision.

## **ANALYSIS:**

The key tests as to the appropriateness of the proposed severance are the applicable policies of the PPS, and Greenbelt Plan, as well as the criteria for the evaluation of severances in the Region of Durham Official Plan, and Township Official Plan.

The north central portion of the property contains lands designated as 'Major Open Space Areas' pursuant to Envision Durham – The Regional Official Plan and 'Protected Countryside Area' in the Greenbelt Plan. The conveyance contemplated under application LD-08/2024 generally conforms with the lot line adjustment policies for 'Major Open Space Areas' and 'Protected Countryside Areas' within the Greenbelt Plan.

As the subject property contains Key Natural Heritage and Key Hydrologic Features, the policies of the Greenbelt Plan apply to regulate lands where a use, building or structure will encroach on these features. Furthermore, the proposal is to convey a part of an existing parcel of record to another existing parcel of record and not the creation of a new lot. The proposed conveyance does not propose any new buildings, structures or uses on either the retained or severed lands. As such, the conveyance contemplated under application LD-08/2024 conforms with the applicable policies of the Greenbelt Plan and policy 11.3.24 of Envision Durham – Regional Official Plan.

In addition, a review of the other applicable policies within the Greenbelt Plan, Region of Durham Official Plan and Township Official Plan does identify any limitations on the proposed lot line adjustments and lands transfers proposed in application LD 08/2024. The application meets the requirements of Provincial, Regional and Township policies.

## **RECOMMENDATION**

THAT Report DS-62/24 of Haley Dickson, Senior Planning Technician regarding Land Division Application LD 08/2024 known as 3 Deerfoot Drive be received for information;

AND THAT Having reviewed and considered all the agency comments as well as hearing any oral submissions, Council move that application LD 08/2024 be approved as applied for, subject to:

### **Conditions**

1. That the owner/applicant satisfy the Township of Uxbridge financially and/or otherwise, including, but not limited to, any costs incurred by the township during the review and approval of this consent application,
2. That the owner/applicant make appropriate arrangements to the satisfaction of the Township to ensure that upon transfer of the severed lands, the severed lands will merge in title with the lands municipally known as 1 Deerfoot Drive.

3. That the owner/applicant ensure that the affected parcels satisfy any applicable requirements of the Township of Uxbridge Zoning Bylaw 81-19, as amended, and that the owner/applicant shall provide the Township with written confirmation signed by an O.L.S. that the lots conform with the Township of Uxbridge Zoning Bylaw 81-19, as amended.
4. That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated Tuesday, July 16, 2024.
5. That the applicant submit two copies of a registered plan on the subject parcel.
6. That the consent be subject to the following periods:
  - Last date for fulfilling Conditions is Thursday, October 22, 2026.
  - Expiry Date of Application LD 08/2024 is Friday, October 27, 2026.

### **Clearing Agencies**

1. That prior to the signing of the certificate by the Director, Development Services that the consent has been given, the Director, Development Services is to be advised in writing by the Township of Uxbridge Development Services Department that conditions #1-3 and #5 have been carried out to its satisfaction.
2. That prior to the signing of the certificate by the Director, Development Services that the consent has been given, the Director, Development Services is to be advised in writing by the Regional Planning and Economic Development Department that conditions #4 has been carried out to its satisfaction.
3. That prior to the signing of the certificate by the Director, Development Services that the consent has been given, the Director, Development Services is to be satisfied that the time periods outlined in condition #6 have been adhered to.

### **Advisory Comments**

1. Once all of the conditions contained in this Decision are fully satisfied by the applicant, the applicant's solicitor must prepare and forward the legal document(s) with the applicable stamping fee to the Township of Uxbridge's Development Services Department, to the attention of the Director, Development Services for review and approval with stamping. The document(s) will be returned to the solicitor for registration purposes. Filing receipt by the Director,

Development Services of the Deed Package by the requisite date,  
the application shall be deemed expired and shall lapse.

Haley Dickson

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Haley Dickson  
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Township of Uxbridge