

August 16, 2023

**Ministry of Municipal Affairs and Housing**

777 Bay Street, 17<sup>th</sup> Floor

Toronto, Ontario M7A 2J3

RE: ERO 019-7195

Comments on Durham Region Official Plan

Part of Lot 10 & 11, Concession 8, former Township of Cartwright in Caesarea

Township of Scugog

TBG Project No. 21803

The Biglieri Group Ltd. ("TBG") is the planning consultant for Fourteen Estates Limited, the owner of the lands legally known as Part of Lots 10 & 11, Concession 8, former Township of Cartwright in Caesarea, in the Township of Scugog ("Subject Site" or "Site").

Durham Regional Council adopted a new Official Plan ("New Durham OP") on May 17, 2023. The New Durham OP is now before the Minister of Municipal Affairs and Housing ("MMAH") for a decision under the Planning Act. The New Durham OP includes new settlement areas and employment areas. The Subject Site is currently located outside the Caesarea *Hamlet* Boundary and is designated as *Prime Agricultural Areas* and *Waterfront Areas* (**Figure 1**) in the Durham Regional Official Plan (May 2020 Consolidation) and is proposed to be designated the same within the New Durham OP. The Caesarea *Hamlet* is shown directly north of the Subject Site in the New Durham OP (**Figure 2**).

Previously, a Settlement Area Boundary Expansion request ("SABE") was submitted to expand the Caesarea *Hamlet* Boundary to include the Subject Site. The SABE for the Subject Site is identified as BER-30 in Durham Region Staff Report #2021-INFO-84. Further, a letter and addendum (dated March 31, 2023 and April 27, 2023, respectively) regarding the SABE for the Site, were submitted to Durham Region staff as part of the public consultation on the Draft Regional Official Plan ("Draft ROP") released on February 10, 2023.

In the Draft ROP released by the Region, the Subject Site was included within the Caesarea *Hamlet* boundaries (see **Figure 3**). However, we were advised on April 14, 2023, by Durham planning staff that the inclusion of the Subject Site within the Caesarea *Hamlet* boundaries in the Draft ROP mapping was apparently the result of a technical mapping error, and that the Subject Site will not be included within the *Hamlet* in the final version of the new Regional Official Plan submitted to Council for approval (**Attachment 1**). The New Durham OP shows this change.

In our March 31, 2023 submission, we supported the Subject Site's inclusion in the Caesarea *Hamlet* boundary (**Figure 3**) as was originally provided for in the Draft ROP mapping and requested a refinement to the boundary (**Attachment 2**). An addendum letter, dated April 27, 2023 (**Attachment 3**), was submitted to provide further support of the Subject Site's inclusion in the *Hamlet* boundary, in order to resolve Deferral D2-2, deferred by Durham Region in 2010 when the Township of Scugog Official Plan was approved (**Figure 4**).

TBG is writing to provide similar comments on ERO 019-7195 for the Subject Site prior to MMAH's decision on the New Durham OP's approval, requesting that the Caesarea *Hamlet* boundary be modified as shown on **Figure 8**. TBG supports the rounding out of the Caesarea *Hamlet*, given its historic status and that fact that the original issues pertaining to the previous deferral have since been resolved, as previously demonstrated through earlier letters to the Township of Scugog from CM Planning Inc. ("CM Planning") (**Attachment 4**). This background is explained in more detail, below.

## BACKGROUND

In 2009, the Subject Site was added to the Caesarea *Hamlet* Boundary and designated as *Hamlet* and *Natural Core Area* in the Township of Scugog Official Plan. In 2010, Durham Region approved the new Scugog Official Plan, however deferred consideration of the designation of the Subject Site as *Hamlet* as Deferral D2-2 (**Figures 4 and 5**). Upon approval of the Scugog Official Plan by the Ontario Municipal Board (OMB) in 2011, the Subject Site remained as Deferral D2-2 based on the need for "*further analysis to support the proposed rounding out for Caesarea*" per Durham Region Staff Report 2010-P-15, dated February 23, 2010.

In September 2015, CM Planning submitted a letter to the Township of Scugog on behalf of the owner supporting the partial rounding out of the Caesarea *Hamlet* to include the Subject Site. The purpose of this letter was to request the partial lifting of the deferral and to outline how provincial concerns leading to the deferral, as outlined in the Ministry of Municipal Affairs and Housing comment letter dated May 11, 2009 regarding the Scugog Official Plan (**Attachment 5**), had been addressed or were no longer applicable.

One concern from the Province related to the extent of the planned expansion to the Caesarea *Hamlet* areas. CM Planning highlights that the proposed amount of lots within the Subject Site are less than the 83 units of growth potential identified in the Caesarea *Hamlet* by the Scugog *Planning Directions Report* (July 2008). Therefore, the partial lifting of the deferral on the Subject Site would be an appropriate extent to round out the Caesarea *Hamlet* as determined by the Township of Scugog planning report.

Another concern from the Province was the requirement in the Provincial Policy Statement 2005 ("PPS 2005") to limit individual on-site services to 'a new development of five or less lots'. The PPS 2005 had been superseded by the PPS 2014 which replaced that earlier policy with new Policy 1.6.6.4 that allows for individual on-site sewage and water services where the "site conditions are suitable for the long-term provisions of such services with no negative impacts" and in settlement areas "for infilling and minor rounding out of existing development". As supporting hydrogeological reports confirm, long-term private septic and water services can be provided with no negative impacts, and the development would be implemented through a minor rounding out of the *Hamlet*, thus meeting the updated Policy 1.6.6.4. Since this 2015 letter was submitted, the PPS 2020 has taken effect, with no change to the content of Policy 1.6.6.4 above, and so this original issue remains no longer applicable and can be considered resolved.

The final concern from the Province was that the proposed *Hamlet* expansion was intended to redirect growth otherwise meant for Port Perry due to servicing constraints. CM Planning finds that the rounding out of Caesarea or any *Hamlet* is independent of this issue, as it is meant as a single occurrence and not a mechanism for long-term growth. The letter also highlights that the

servicing constraints in Port Perry Urban Area were soon to be resolved or mitigated by the expansion of the Nonquon Sewage Treatment Plant.

CM Planning additionally provides that the Caesarea *Hamlet* is well suited for a minor rounding out, being unconstrained by water or soil conditions and that the rounding out will solve the current emergency access and public safety issue of only a single access point to the entirety of the Summit Drive area (refer to **Figure 5**).

CM Planning concludes that all provincial concerns have been mitigated or have become no longer applicable, and therefore the rounding out of the Caesarea *Hamlet* should be able to proceed with the lifting of Deferral D2-2 on the Subject Site.

The 2015 letter from CM Planning Inc. also requested a technical modification to the deferral area. The proposed technical modification recommended amending the northeastern boundary of the deferral area to match the limits of the ownership of the Subject Lands and to include a small parcel of land under different ownership. These additional lands were proposed by CM Planning Inc. to be included within the border of the *Hamlet* rounding out deferral area. The reason for this request was because the added lands are well suited for development and their inclusion allows for the optimized layout for the subdivision proposed by the owner for the Subject Site. The owners intend on developing the Subject Site as a 57-lot subdivision. New public roads are planned to be built through the Subject Site with provision for a secondary emergency access point from Summit Drive via Manor Road to Proutt Road (**Attachment 6**). In order to properly accommodate this secondary access point, the additional northeast lands are required to be included in the boundary of the *Hamlet* deferral area as proposed.

## NEW DURHAM OFFICIAL PLAN

As part of Envision Durham, a Settlement Area Boundary Expansion request (“SABE”) was submitted by D.M. Wills Associates Limited on behalf of the owners to expand the Caesarea Hamlet Boundary to include the Subject Site. The SABE for the Subject Site is identified as BER-30 in Durham Region Staff Report #2021-INFO-84. As outlined in Attachment 1 to Staff Report #2021-INFO-84, it was requested that “*Deferral D2-2 to the Scugog Official Plan be resolved through the ROP review in order to include additional lands within the boundary of the Hamlet of Caesarea*”.

On February 10, 2023, the Draft ROP was released to the public for review and comment. The majority of the Subject Site was designated as *Hamlet* on Map 1 – Urban Structure in the Draft ROP. The southern portion of the *Hamlet* boundary corresponded to the Deferral D2-2 area in the Scugog Official Plan. The Subject Site also contained portions of the *Regional Natural Heritage System* overlay as shown on Map 2a – Regional Natural Heritage System (**Figure 6**). On March 31, 2023, TBG submitted a letter supporting the inclusion of the majority of the Subject Site within the *Hamlet* boundary, and requested a refinement to the boundary.

As noted, TBG received e-mail correspondence from Durham Region on April 14, 2023, responding to our March 31, 2023 submission informing us that the inclusion of the Subject Site within the *Hamlet* boundary in the Draft ROP was apparently the result of a technical mapping error, and that the Subject Site will not be included within the *Hamlet* in the final Regional Official Plan (**Attachment 1**). The New Durham OP shows this change (**Figure 2**), and the Decision Report by Durham Region’s Commissioner of Planning and Economic Development reiterated that

changes to the Hamlet boundaries in the Draft OP were the result of a “technical mapping error” (Report #2023-P-15, May 17, 2023, pg.15).

The e-mail correspondence from Durham Region provided that the rounding out of Hamlets located within the Greenbelt Plan boundary is not possible due to current provincial policy. Nonetheless, it also stated that Durham Region “*recognize[s] the historic status of the deferral and it will remain as a deferral area in the Scugog Official Plan until the issues related to the subject site are resolved*”. As of the writing of this addendum letter, no clarification has been provided as to the “issues” referenced, and they are assumed to be the original Provincial concerns that resulted in Deferral D-2. As noted, CM Planning’s 2015 letter outlined how these issues have been resolved or become no longer applicable. We have provided an updated analysis below outlining how all issues related to Subject Site have been resolved.

## TBG COMMENTARY AND RECOMMENDATIONS

### Partial Lifting of Deferral 2-2

TBG requests the resolution of Deferral D2-2 to the Scugog Official Plan through the partial lifting of the portion of Deferral 2-2 covering the Subject Site, as it corresponds with the Township of Scugog’s longstanding intention to designate the Site as *Hamlet* and for the Subject Site to be developed for residential uses. In addition, the designation of the Subject Site as *Hamlet* will allow for more housing to be built to meet the Province’s goal of 1.5 million homes built over the next 10 years.

Durham Region has identified that the historic status of the deferral is recognized and will remain as deferred until the issues related to the Subject Site are resolved. The issues identified originally by the Ministry of Municipal Affairs and Housing comment letter dated May 11, 2009 (**Attachment 5**) have been previously addressed in the letter by CM Planning in 2015.

The Province originally had concerns with the extent of the planned expansion areas. The proposed number of units on the Subject Site (see **Attachment 6**) remain less than the 83 units of growth potential identified in the *Caesarea Hamlet* by the *Scugog Planning Directions Report* (July 2008). This report analyzed hydrogeological factors, soil conditions, impact on the existing character, environmental impact, and more, in its determination of the available growth potential. With limited applications and development pressures since 2010 for the remaining areas of the deferral, the partial lifting of the deferral on the Subject Site would be an appropriate extent to round out the *Caesarea Hamlet* as determined by the Township of Scugog in the July 2008 *Planning Directions Report*.

The second concern from the Province was the requirement in the PPS 2005 to limit individual on-site services to ‘a new development of five or less lots’. The PPS 2005 has now been superseded by the PPS 2020 which allows for individual on-site sewage and water services where the “site conditions are suitable for the long-term provisions of such services with no negative impacts” and in settlement areas “for infilling and minor rounding out of existing development” (PPS 2020, Policy 1.6.6.4).

The final provincial concern was that the proposed development was intended to redirect growth otherwise meant for Port Perry due to servicing constraints. In 2015, CM Planning found that the minor rounding out of Caesarea or any *Hamlet* is independent of the servicing constraints in the

Port Perry Urban Area, as it is meant as a single occurrence and not a mechanism for long-term growth. Since then, the expansion of the Noquon Sewage Treatment Plant which serves the Port Perry Urban Area has resulted in additional capacity, and the 2022 Annual Performance Report finds the plant is now operating at 50.6% of its rated capacity. The partial lifting of the deferral would result in a minor rounding out of the Caesarea *Hamlet*, and is not proposed as means of directing growth away from the Port Perry Urban Area.

The deferral has always been mainly a concern of the *extent* of the rounding out, but rounding out in general of the Caesarea *Hamlet* was not opposed by the Province at the time of the deferral. As previously identified in letters by CM Planning (2015, 2016) and Valerie Cranmer & Associates (2007) the Caesarea *Hamlet* is well suited for a minor rounding out (**Attachments 4, 9, 10 & 11**). The Subject Site is able to be serviced, and the lifting of the deferral would allow for additional access points to Summit Drive which currently only has one access, posing an emergency access and public safety issue (refer to **Figure 5**). The requested partial lifting of the deferral only on the Subject Site would result in a “minor” rounding out, and the proposed development would help to provide housing for rural residents.

There has never been a mechanism identified by Durham Region to resolve the deferrals on the Township of Scugog Official Plan. In the recommendation approving the Township of Scugog Official Plan with modifications at the Regional Council of Durham (March 31, 2010), it is specified that as deferrals (including Deferral D2-2) are resolved “*the Commissioner of Planning be authorized to approve the corresponding portions of the Township of Scugog Official Plan*” (**Attachment 7**, recommendation 1.c)). Since 2010 there have been multiple letters aiming to resolve the deferral, but no decision has been made. All provincial concerns which led to Deferral D2-2 have been mitigated or have become no longer applicable.

Further, CM Planning's 2015 letter was submitted while the Greenbelt Plan 2005 was still in effect that permitted one-time rounding out *Hamlets* within the *Protected Countryside* (policy 3.4.3.2). The Envision Durham process is the opportune time to address this outstanding historic deferral, by partially lifting part of Deferral D2-2 on the Subject Site area in order to round out the Caesarea *Hamlet*, as was intended by the Township of Scugog when they adopted their Official Plan in 2009.

#### **Refinement of Hamlet Boundary**

As an additional matter, we are requesting a refinement to the deferred *Hamlet* area boundary, similar to that shown in the 2015 request by CM Planning Inc. The proposed modification would include the northeast portion of the Subject Site and abutting lands within the *Hamlet*. The reason for this proposed modification is because the northeast portion of the Subject Site is an integral part of the proposed subdivision. As noted above, this area allows for the optimized layout for the subdivision by permitting the creation of a link from the subdivision to Summit Drive, providing the Summit Drive/Cedar Grove Drive neighbourhood with a second access point (to Proutt Road) for emergency purposes. The abutting lands are not owned by Fourteen Estates Limited and are indicated as ‘Existing Residential’ in the proposed Draft Plan (**Attachment 6**). Similar to the lands owned by Fourteen Estates Limited, these lands are appropriate and have potential for residential uses, and therefore are suitable to be included within and round out the *Hamlet* boundary.

Additionally, the southwest portion of the current *Hamlet* designation area is constrained by a provincially-designated Area of Natural and Scientific Interest (“ANSI”). It is also designated

*Significant Forest Area* on Schedule E in the Scugog Official Plan and zoned *Environmental Protection (EP)* in Scugog Zoning By-law 14-14 (**Figure 7**). The developable area of the southwest portion of the Site is suitable and intended for community and recreational uses, as shown in the preliminary conceptual landscape plan (**Attachment 8**). As a result, much of the new residential development intended by the *Hamlet* designation will need to be accommodate on other areas of the Subject Site, and the boundaries should be modified to include additional lands that are appropriate and have the immediate potential for residential uses. The extent of the natural heritage features will be delineated through an Environmental Impact Study ("EIS") to be completed as part of a future development application.

For the reasons explained above, we therefore request that the *Hamlet* boundary be modified as shown on **Figure 8**.

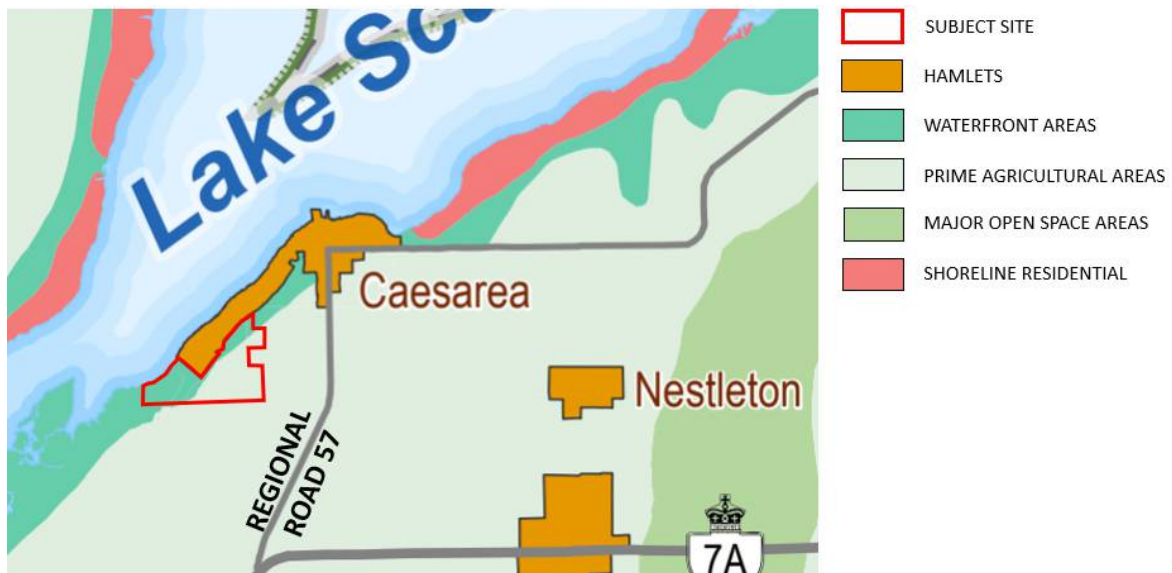
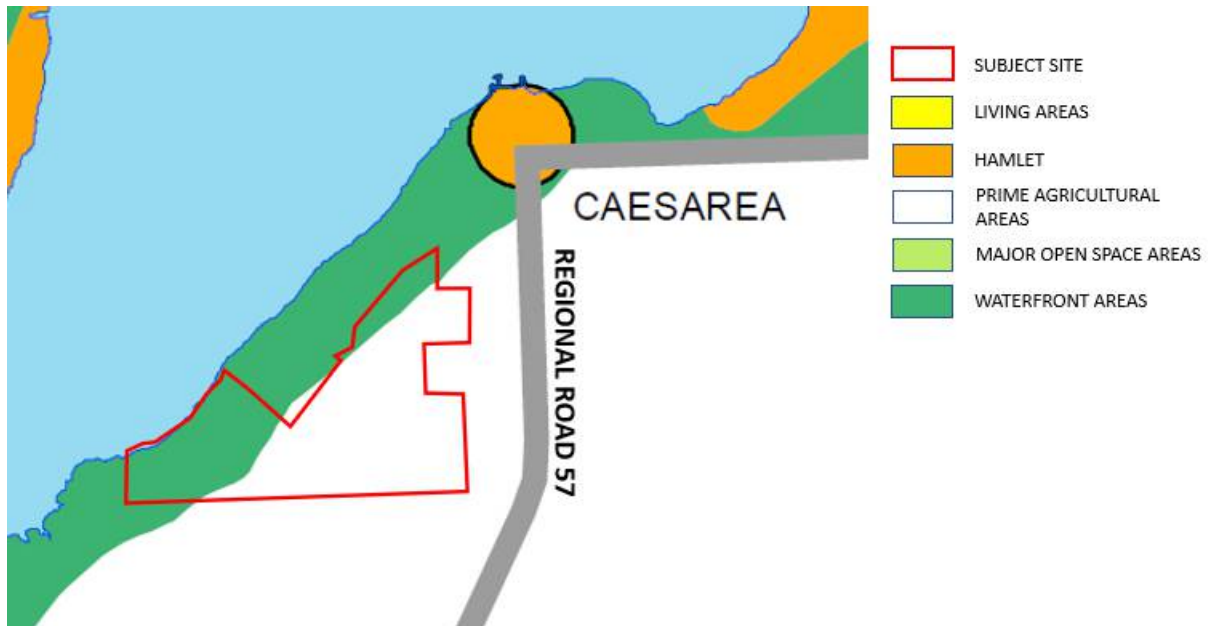
We trust you will find all in order, however if you have any questions or require additional information, please contact the undersigned at your earliest convenience.

Respectfully,  
THE BIGLIERI GROUP LTD.

A handwritten signature in black ink, appearing to read 'Mark Jacobs', written in a cursive style.

Mark Jacobs, MCIP, RPP  
Senior Planner

cc. Rick Rondeau, Fourteen Estates Limited



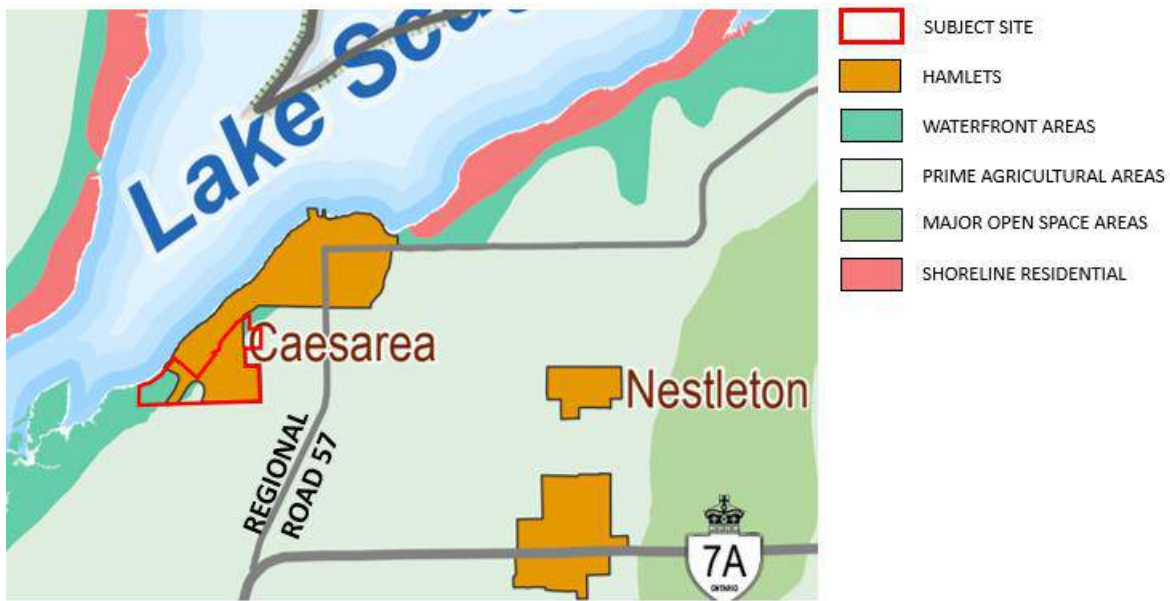


Figure 3: Draft Durham Regional Official Plan: Map 1 – Regional Structure  
(Source: Durham Region, February 10, 2023)

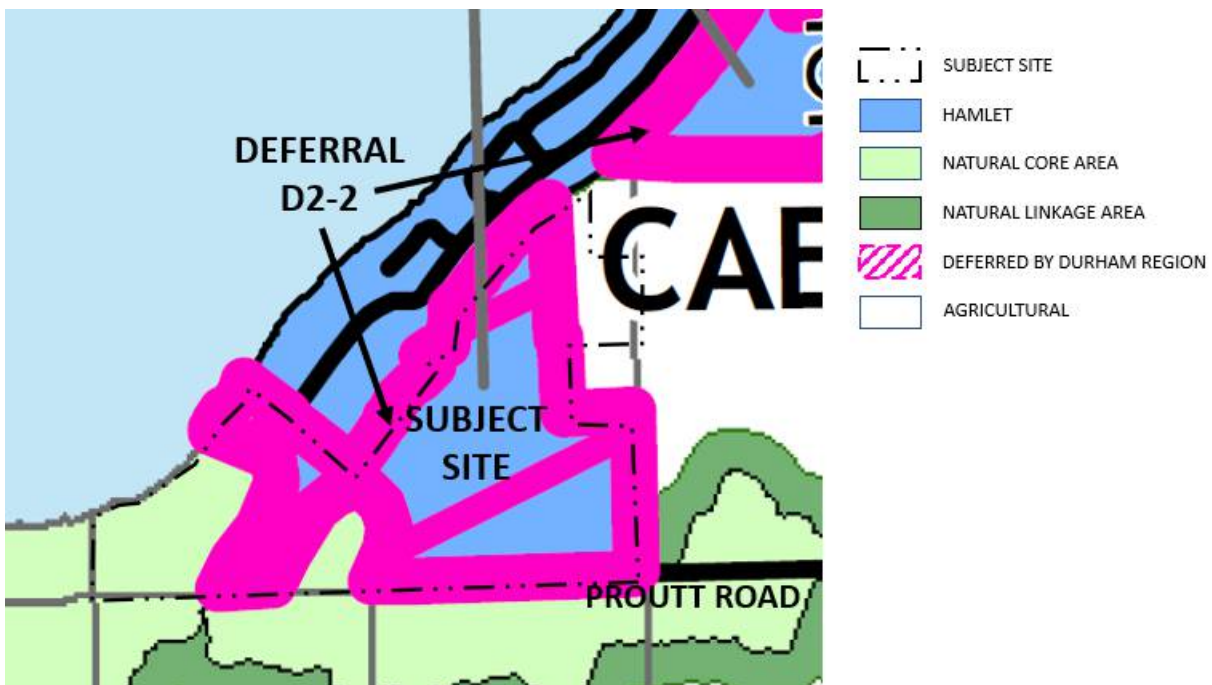


Figure 4: Subject Site in Schedule A of the Township of Scugog Official Plan (2017)  
(Source: Township of Scugog, 2017)



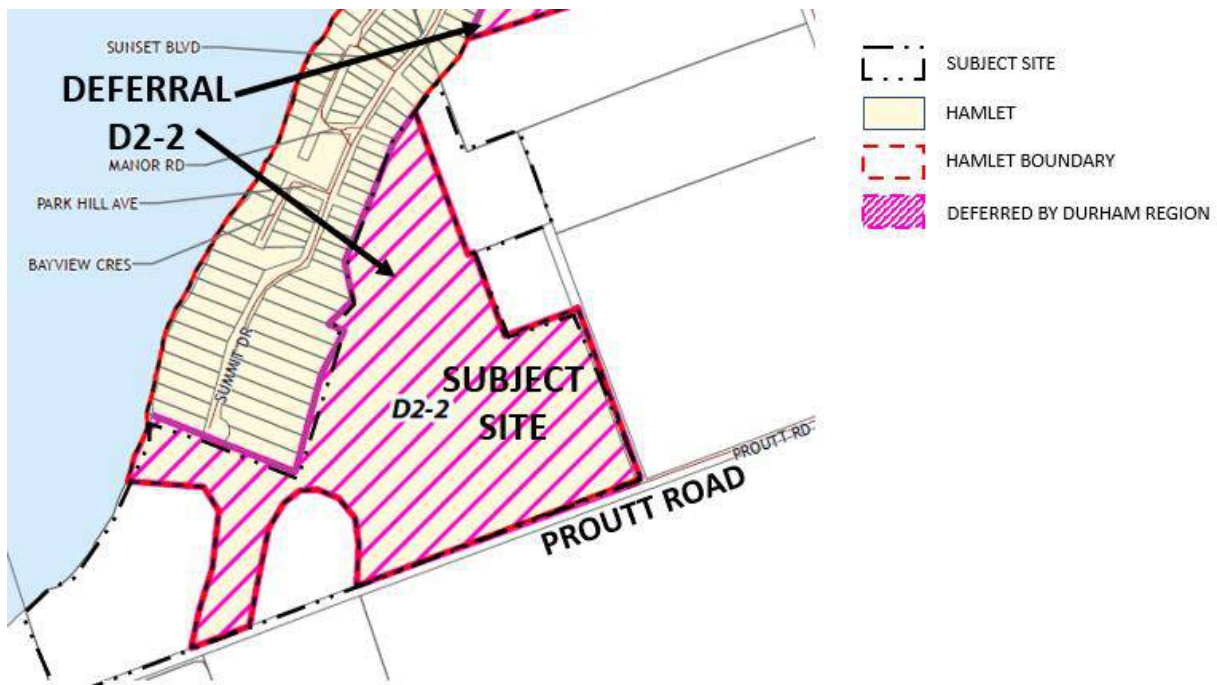


Figure 5: Subject Site in Schedule H-9 of the Township of Scugog Official Plan (2017)  
(Source: Township of Scugog, 2017)



Figure 6: Draft Durham Regional Official Plan: Map 2a – Regional Natural Heritage System  
(Source: Durham Region, February 10, 2023)

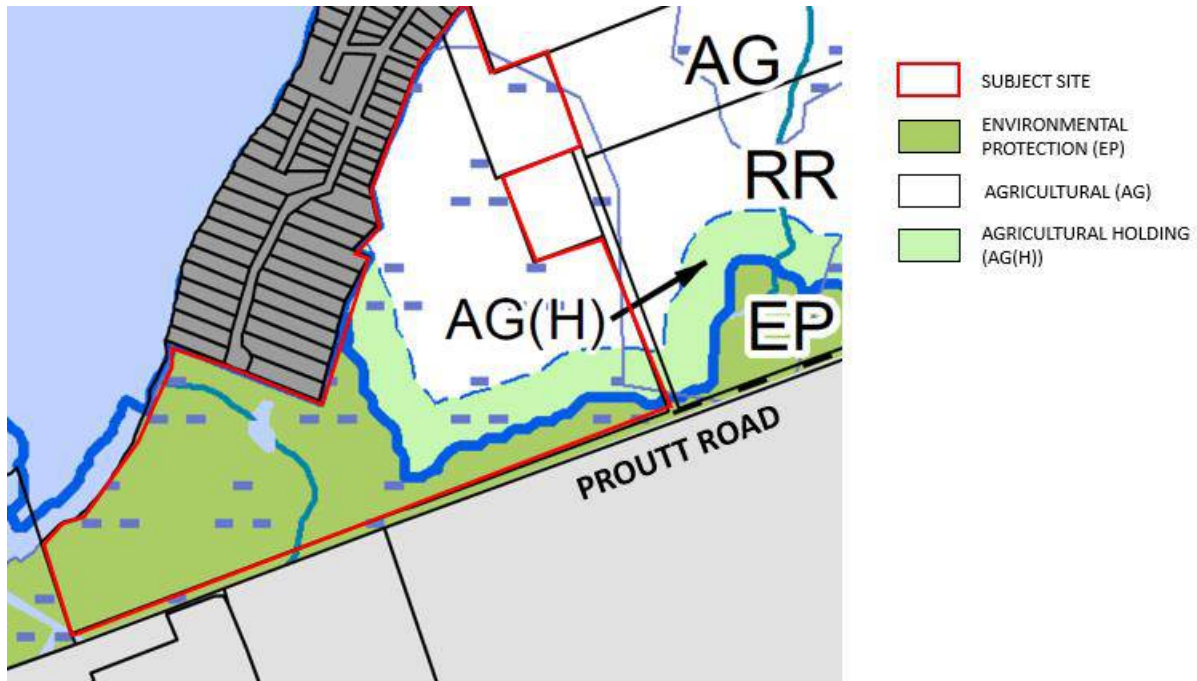


Figure 7: Subject Site in Township of Scugog Zoning By-law 14-14  
(Source: Township of Scugog, 2022)

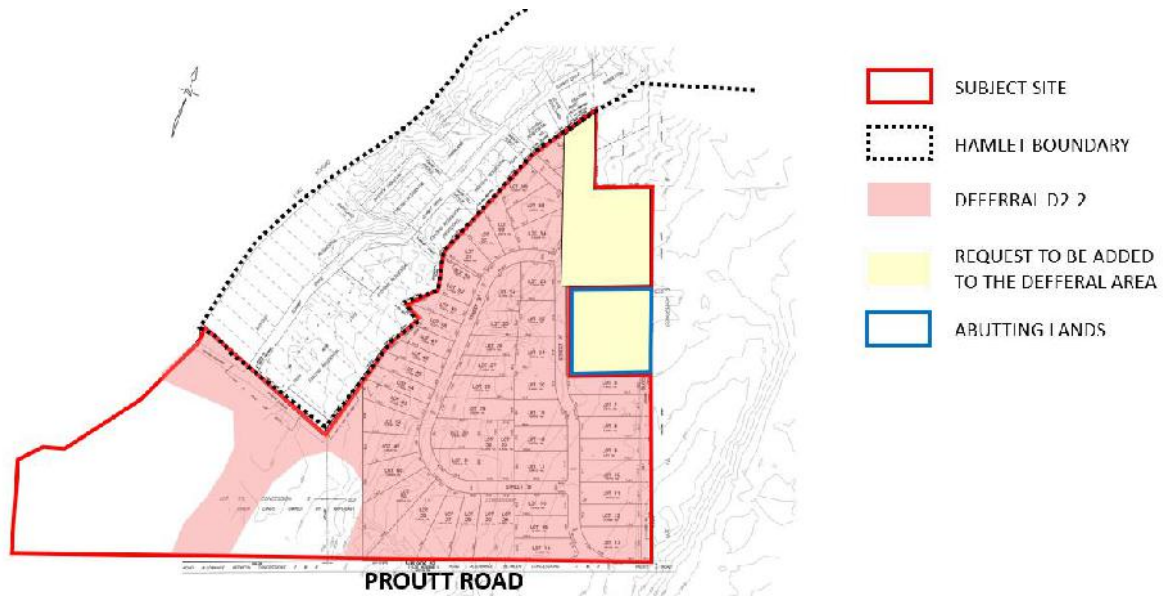


Figure 8: Proposed Modification to Hamlet Boundary  
(Basemap source: D.G. Biddle, 2015)