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The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2023-P-8
Date: April 4, 2023

Subject:

Public Meeting Report

Application to Amend the Durham Regional Official Plan, submitted by Clark Consulting Services, on behalf of Bethesda Ridge Farms, to permit the severance of a farm dwelling rendered surplus as a result of the consolidation of non-abutting farm properties in the Municipality of Clarington, File: OPA 2023-001.

Recommendation:

That the Planning and Economic Development Committee recommends

- A) That Commissioner's Report #2023-P-8 be received for information; and
 - B) That all submissions received be referred to the Planning Division for consideration.
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Report:

1. Purpose

- 1.1 On January 27, 2023, Clark Consulting Services on behalf of Bethesda Ridge Farms submitted an application to amend the 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 Municipality of Clarington.
- 1.2 A "Notice of Complete Application and Public Meeting" regarding the application has been advertised in the appropriate newspaper. Notice of this meeting has also been mailed to those who own land within 120 metres of the subject site. This report was made available to the public prior to the meeting.

2. Background

- 2.1 The subject land is located at the northeast corner of Concession Road 6 and Clemens Road, approximately 870 metres south of the Hamlet of Tyrone and approximately 600 metres north of Highway 407. The property is municipally known as 2774 Concession Road 6, and is located in Part of Lot 8, Concession 6, former Township of Darlington in the Municipality of Clarington (refer to Attachment 2).
- 2.2 The subject lands are generally rectangular in shape with an area of approximately 54 hectares (133 acres). The subject lands contain an existing farm dwelling, an enclosed pool, a garage, a barn, and metal storage sheds located on the southern portion of the site. The central portion of the property contains a wooded area, and Mackie Creek which flows in a north to south direction. The farm dwelling was constructed in 1846 and is occupied by tenants who are not involved with the farming operation.
- 2.3 Bethesda Ridge Farms operates a cattle farm and produce cash crops. On March 31, 2022, Bethesda Ridge Farms purchased the subject farm property to expand the arable farmland to cultivate grains and hay for cash crop and livestock feed. The applicant is requesting to sever the existing farm dwelling which is not required for a farm employee and is surplus to the farm operation.
- 2.4 A concurrent zoning by-law amendment application has been submitted to the Municipality of Clarington to rezone the retained farm parcel to prohibit any further severances and the development of any new dwellings, and the use of the existing barn for housing livestock.
- 2.5 The surrounding land uses adjacent to the subject land:
- a. North – rural residences, agricultural lands, and wooded areas
 - b. East – Bethesda Road, rural residences, and agricultural lands
 - c. South – rural residences, Concession Road 6, and agricultural lands
 - d. West – Clemens Road, rural residences, and agricultural lands

3. Reports Submitted in Support of the Application

- 3.1 A Planning Justification Report prepared by Clark Consulting Services dated January 24, 2023, has been submitted in support of the application. The Planning Justification Report concluded that the proposed amendment would be consistent with the Provincial Policy Statement and conforms with the Greenbelt Plan and the Durham Regional Official Plan and meets the Provincial Minimum Distance of Separation (MDS) requirements.

- 3.2 The Planning Justification Report indicated that Bethesda Ridge Farms owns three agricultural properties with a total area of 217 hectares (536 acres) in the Municipality of Clarington (refer to Attachment 2). The applicant's home farm is located at the property 2669 Bethesda Road. The existing dwelling located on the subject farm property is not used by a farm employee and is surplus to the farm operation.
- 3.3 A Phase One Environmental Site Assessment was completed for the subject land by GHD Ltd., dated November 14, 2022. The report indicated that the property has no potential environmental concern.

4. Policy Context

Provincial Policy Statement (PPS) and Greenbelt Plan

- 4.1 The subject land is located within the Protected Countryside designation of the Greenbelt Plan. Both the Provincial Policy Statement and the Greenbelt Plan permit the severance of a residence surplus to a farming operation as a result of farm consolidation, provided the planning authority ensure that a residential dwelling is not permitted on the proposed retained farm lot created by the severance and will be limited to the minimum size needed to accommodate the use.

Durham Regional Official Plan

- 4.2 The subject land is located within the "Prime Agricultural Areas" designation in the ROP. The property is located within the Provincial Agricultural System. The central portion of the property contains Key Natural Heritage and/or Hydrologic Features. Severance applications for agricultural uses may be considered in accordance with the relevant policies of the Sub-Section 9A of the ROP.
- 4.3 Policy 9A.2.10 of the ROP may permit 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 by 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 farm parcel is zoned to prohibit any further severances and the establishment of any residential dwelling.

No further severances shall be permitted from the acquired farm parcel.

5. Proposed Official Plan Amendment

- 5.1 The proposed amendment to the ROP would facilitate the severance of a 0.93 ha (2.29 acre) rural residential lot with an existing dwelling, retaining a 52.87 ha (131 acre) farm parcel.

6. Consultation

- 6.1 A copy of the proposed ROP Amendment has been circulated to the Ministry of the Municipal Affairs and Housing; the Municipality of Clarington; the Regional Health Department; the Regional Works Department; and the Durham Agricultural Advisory Committee.

7. Public Notification

- 7.1 A “Notice of Complete Application” and “Notice of Public Meeting” regarding this application was advertised in the Clarington This Week and a notice was posted on the Region’s website. Notice of this meeting has also been mailed out to those who own land within 120 metres (400 feet) of the subject land. The report was also made available to the public prior to the meeting.
- 7.2 Anyone who attends or participates in a public meeting may present an oral submission and/or provide a written submission to the Planning and Economic Development Committee on the proposed amendment. Also, any person may make written submissions at any time before Regional Council makes a decision.
- 7.3 If a person or public body does not make oral submissions at a public meeting, or does not make written submissions before the proposed official plan amendment is adopted, the person or public body:
- a. Is not entitled to appeal the decision of the Region of Durham to the Ontario Land Tribunal (OLT); and
 - b. May not be added as a party to the hearing of an appeal before the OLT, as appropriate, unless in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.
- 7.4 Anyone who wants to be notified of Regional Council’s decision on the proposed ROP Amendment must submit a written request to:

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

Regional Municipality of Durham
605 Rossland Road East
Whitby, ON L1N 6A3
planning@durham.ca

8. Future Regional Council Decision

- 8.1 The Planning and Economic Development Department Committee will consider the proposed ROP Amendment at a future meeting and will make a recommendation to Regional Council. Council's decision will be final unless appealed.
- 8.2 All persons who make oral submissions, or have requested notification in writing, will be given notice of the future meeting of the Planning and Economic Development Committee and Regional Council at which the subject application will be considered.

9. Previous Reports and Decisions

- 9.1 There are no previous reports on this matter.

10. Relationship to Strategic Plan

- 10.1 In the processing of Regional Official Plan Amendment applications, the objective is to ensure responsive, effective and fiscally sustainable service delivery.

11. Attachments

Attachment #1: Location Sketch

Attachment #2: Bethesda Ridge Farms Agricultural Land Holdings

Respectfully submitted,

Original signed by

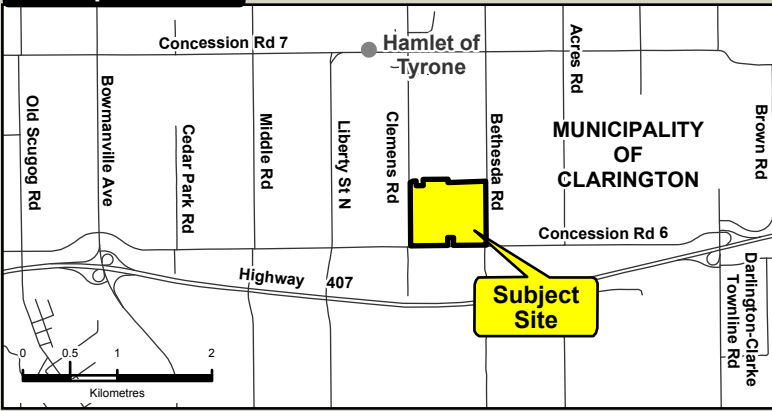
Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

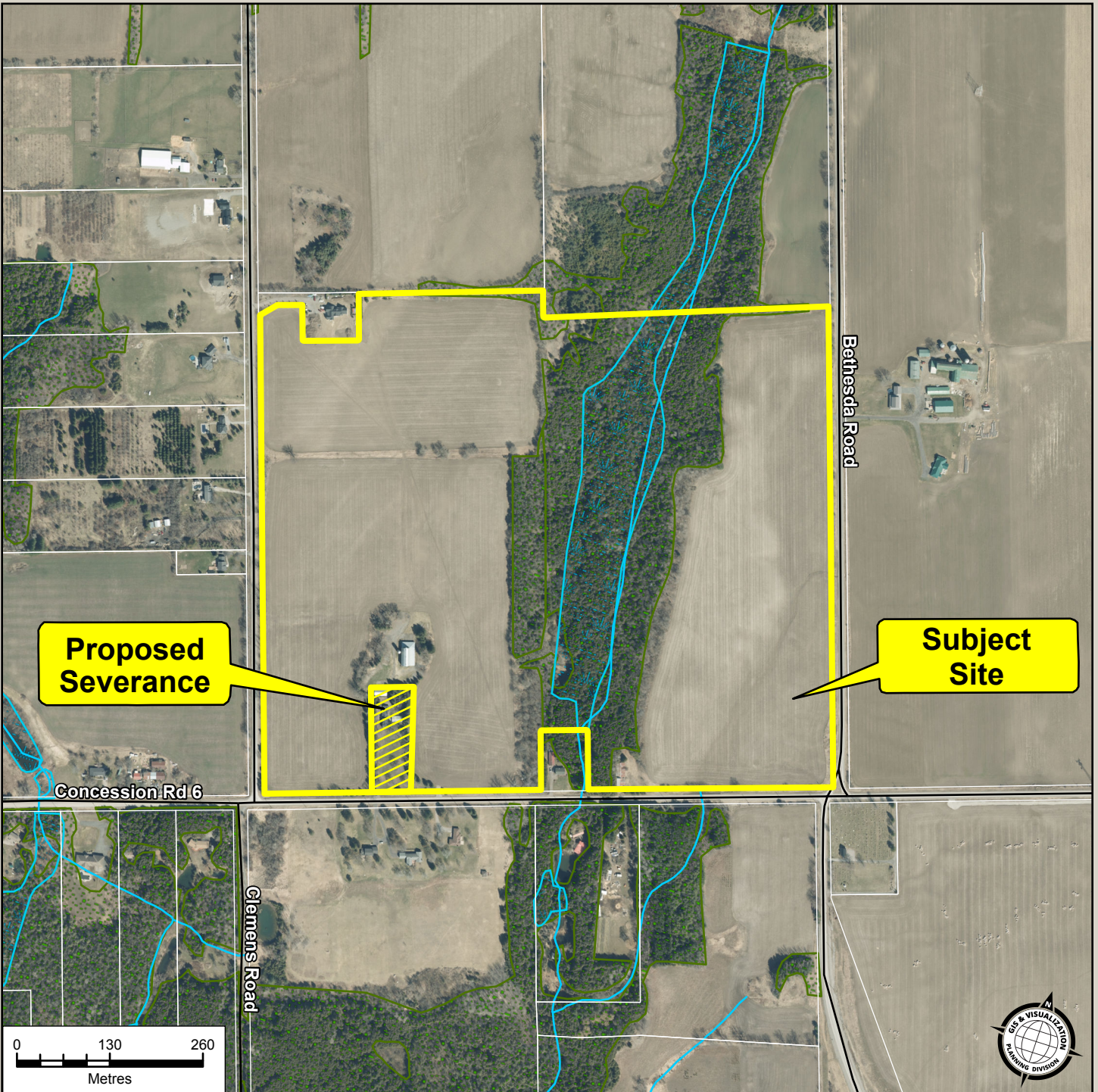
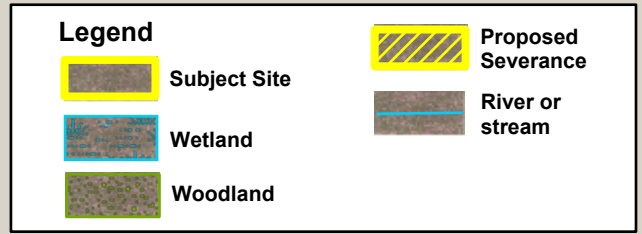
Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

Municipal Context



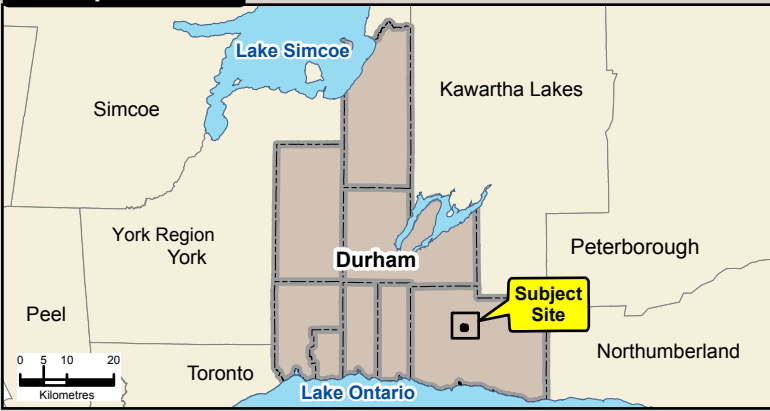
Attachment #1
Commissioner's Report: 2023-P-8
File: ROPA 2023-001
Municipality: Municipality of Clarington



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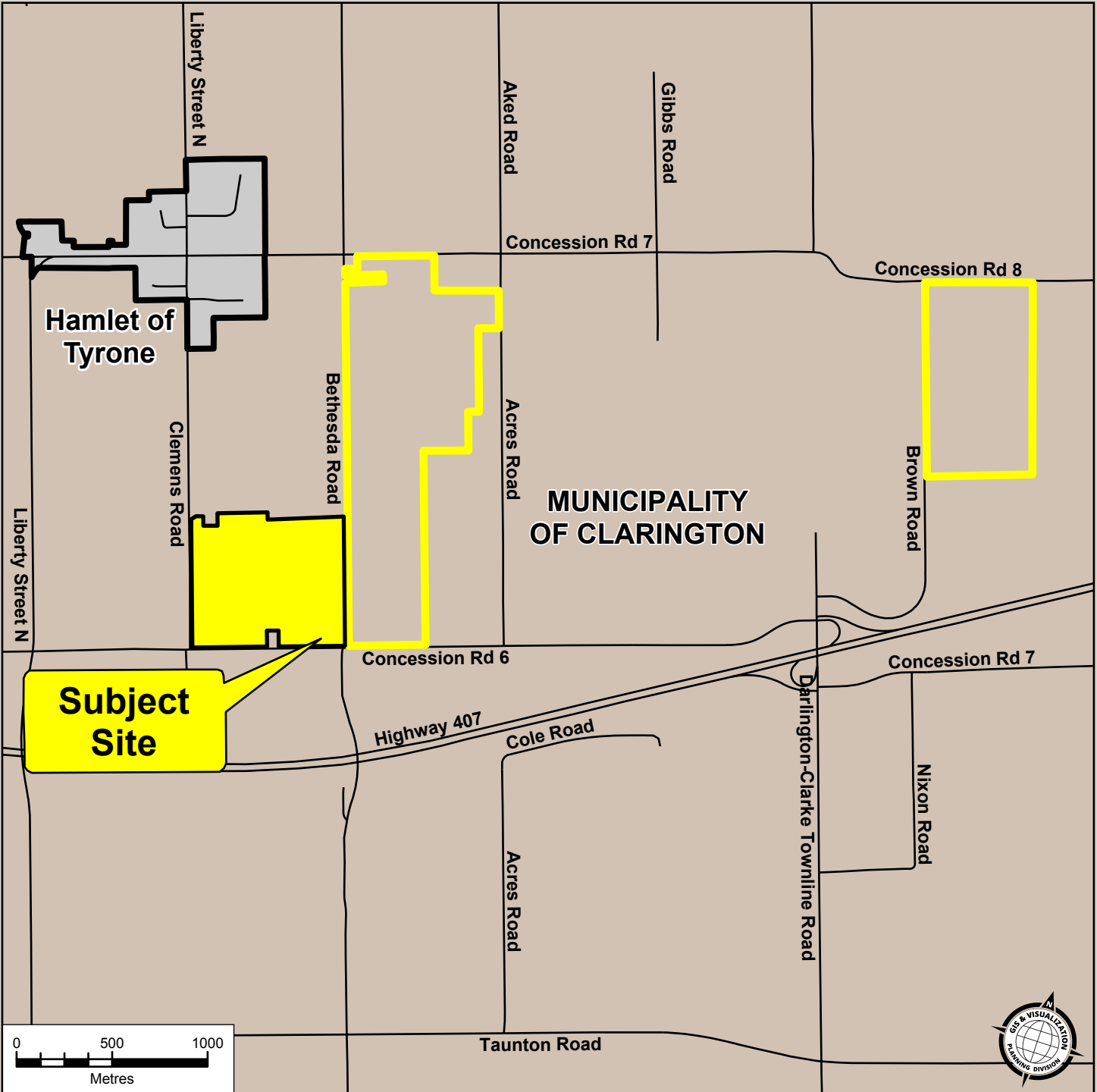
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Municipal Context



Attachment #2
Commissioner's Report: 2023-P-8
File: ROPA 2023-001
Municipality: Municipality of Clarington

Legend



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