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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-9
Date: April 4, 2023

Subject:

Public Meeting Report

Application to Amend the Durham Official Plan, submitted by Clark Consulting Services, on behalf of Thornlea Holsteins Ltd., 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 2023-002

Recommendation:

That the Planning and Economic Development Committee recommends:

- A) That Commissioner's Report #2023-P-9 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 Thornlea Holsteins Ltd. submitted an application to amend the Regional Official Plan (ROP) to permit the severance of a new dwelling rendered surplus as a result of the consolidation on non-abutting farm parcels in the Municipality of Clarington.

2. Background

- 2.1 The subject site is located on the north side of Concession Road 5, and on the west side of East Townline Road, approximately 4 kilometres southeast of the Hamlet of Kendal. The property is municipally known as 4854 Concession Road 5, and is located in Part of Lot 1, Concession 5 in the Municipality of Clarington (refer to Attachment #1).
- 2.2 The subject site is a rectangular shape and is approximately 39 hectares (96.1 acres) in size. The southern portion of the site contains an existing house, barn, driveshed and a silo. The existing silo is slated to be removed. A wooded area is located in the northeast portion of the site. The existing house is rented to a tenant who is not involved with farming operation.
- 2.3 Thornlea Holsteins Ltd. is a dairy and cash crop operation. The applicant owns a total of five agricultural properties in the Municipality of Clarington with present land holdings of 175.5 hectares (433.6 acres), of which 149.3 hectares (368.8 acres) is workable (refer to Attachment #2). In 2022, Thornlea Holsteins Ltd. purchased the subject site, and the lands are used for the farm's feed crop operation. The workable area of the site is approximately 34.5 hectares (85.25 acres). The house located on the subject site is not utilized by a farm employee and is surplus to the farm operation.
- 2.4 The applicant has concurrently filed a Zoning By-law Amendment application with the Municipality of Clarington to rezone the retained farmlands to prohibit further severances and residential development, and to rezone the barn to prohibit its use for livestock.
- 2.5 The surrounding land uses to the subject site includes:
- a. North - agricultural land, wooded area, and rural residences
 - b. East – East Townline Road, agricultural land, rural residences
 - c. South – Concession Road 5, rural residences, agricultural land, woodlot
 - d. West – Wooded areas, agricultural areas, and rural residences

3. Reports Submitted in support of the Application

- 3.1 A Planning Justification Report/Agricultural Assessment prepared by Clark Consulting Services Ltd. dated January 27, 2023 has been submitted in support of the application. The report concludes that the proposed amendment meets the objectives and requirements of the Provincial Policy Statement, the Greenbelt Plan,

the Regional Official Plan and the Province's Minimum Distance of Separation (MDS) requirements.

- 3.2 An Environmental Site-Screening Questionnaire dated December 21, 2022 completed by GHD Ltd., reported the subject site has a low level of environmental concerns and no further assessment is required.
- 3.3 A Total Land Inventory prepared by Clark Consulting Services Ltd., indicated Thornlea Holsteins Ltd. currently owns five agricultural properties in the Municipality of Clarington.

4. Policy Context

Provincial Policy Statement (PPS) and Greenbelt Plan

- 4.1 The subject site is located within the Protected Countryside designation of the Greenbelt Plan. Both the Provincial Policy Statement and Greenbelt Plan permit the severance of a residence surplus to a farming operation as a result of farm consolidation, provided the planning authority ensures 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 site is designated "Prime Agricultural Areas" in the ROP. The site is also located within the Provincial Agricultural System. The northeast portion of the property contains Key Natural Heritage and/or Hydrological Features. Severance applications for agricultural uses may be considered in accordance with the relevant policies of Sub-Section 9A of the ROP.
- 4.3 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 farm parcel is zoned to prohibit any further severances and the establishment of any residential dwelling.

5. Proposed Official Plan Amendment

- 5.1 The proposed amendment to the ROP would facilitate the severance of a 0.3 ha (0.798 acres) parcel of land containing the existing dwelling, retaining a 39 ha (96.3 acres) farm parcel. The subject dwelling was in existence prior to December 16, 2004.

6. Consultation

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

7. Public Consultation

- 7.1 A “Notice of Complete Application” and “Notice of Public Meeting” regarding this application was advertised in the Clarington This Week and the Northumberland News, 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 site. This 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 a written submission at any time before Regional Council makes a decision.
- 7.3 If a person or a public body does not make an oral submission at a public meeting, or does not make written submission 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 recommendation to the 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 objectives is to ensure responsive, effective and fiscally sustainable service delivery.

11. Attachments

Attachment #1: Location Sketch

Attachment #2: Thornlea Holsteins Ltd. Agricultural Land Holdings

Respectfully submitted,

Original signed by

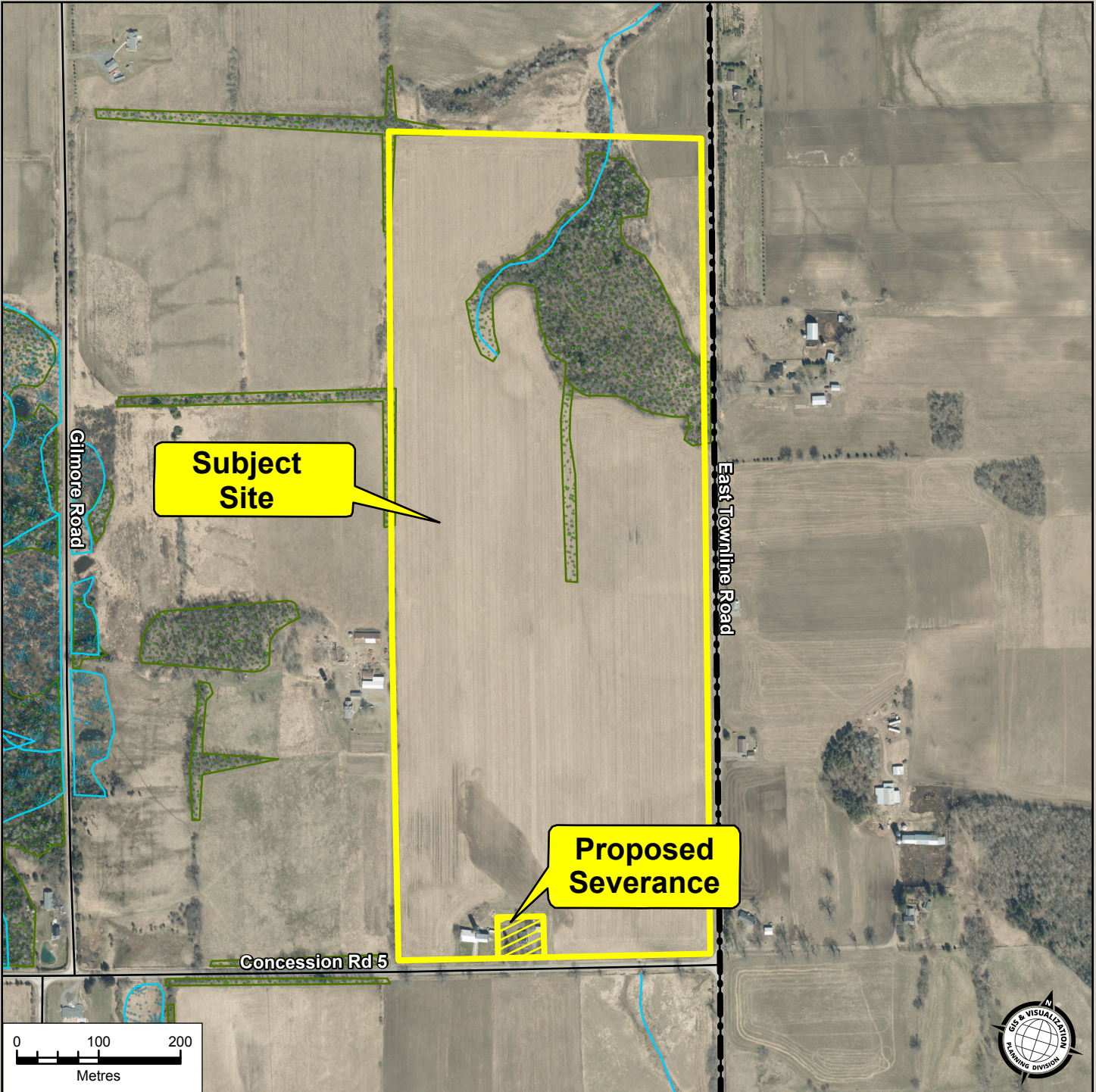
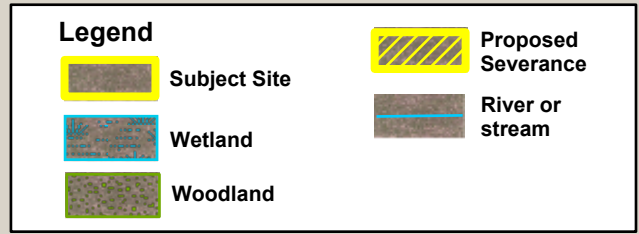
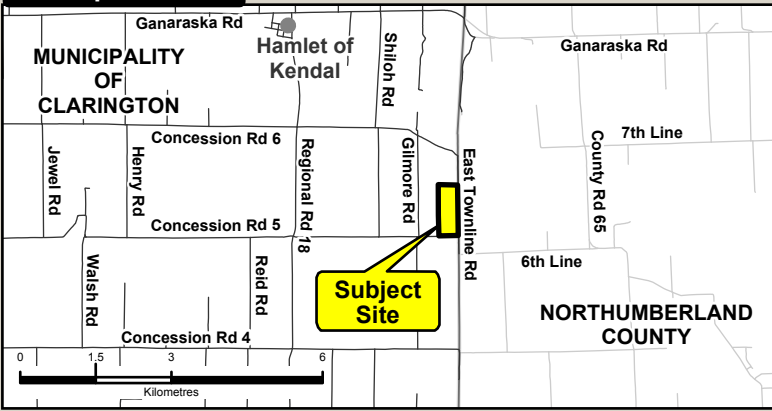
Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

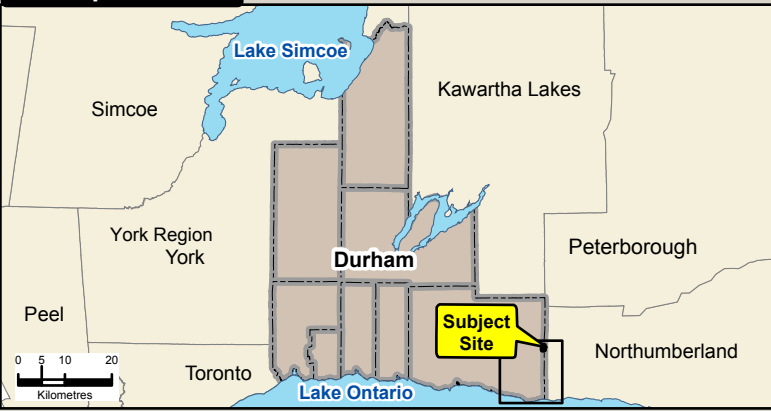
Municipal Context



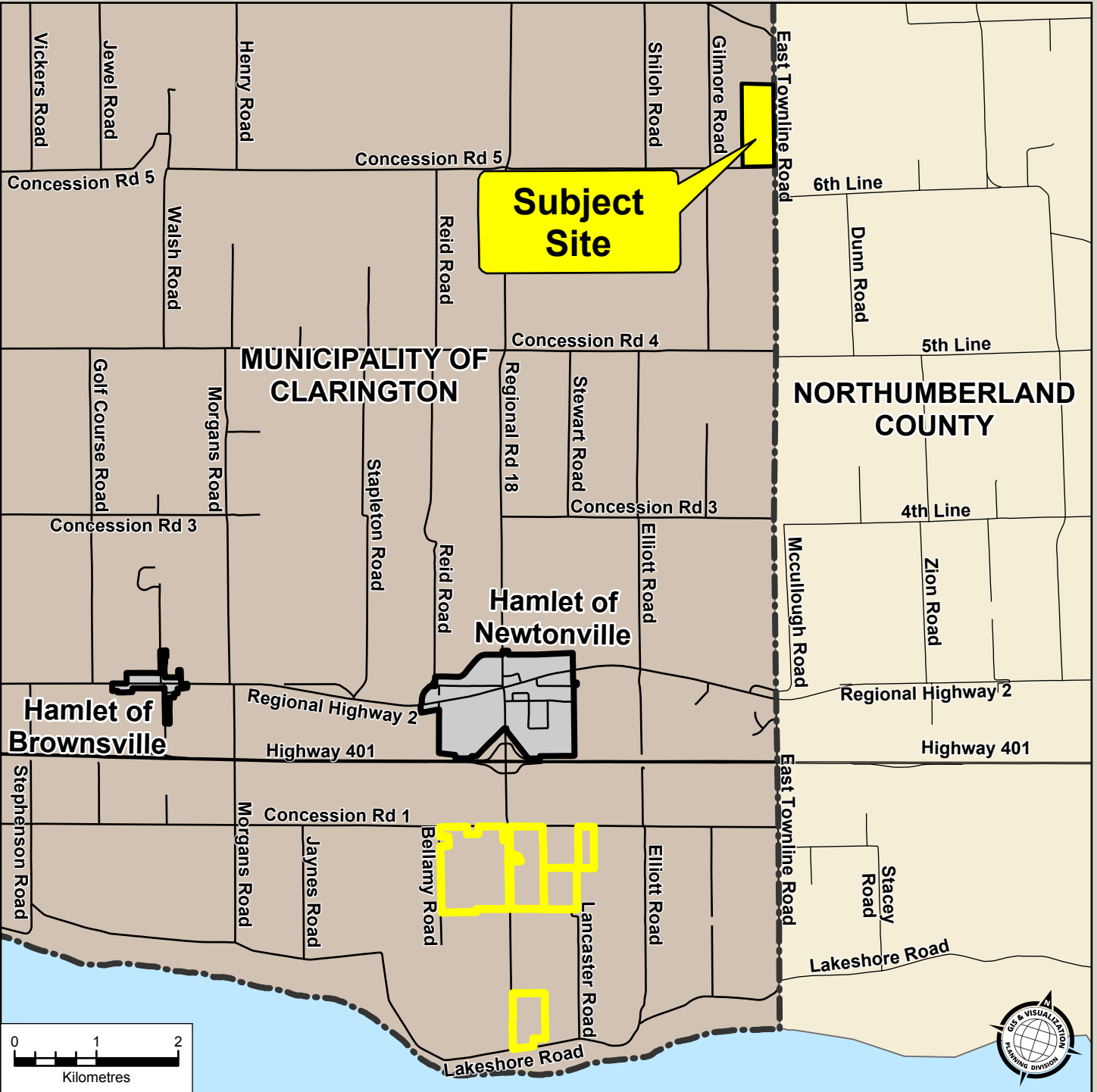
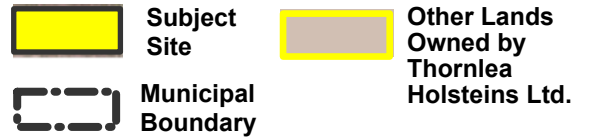
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Legend



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