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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-10
Date: April 4, 2023

Subject:

Decision Meeting Report

Application to Amend the Durham Regional Official Plan, submitted by Clark Consulting Services Ltd. on behalf of Vissers Sod Farm Ltd., to permit the severance of a dwelling rendered surplus to a farming operation as a result of the consolidation of non-abutting farm parcels in the Municipality of Clarington, File: OPA 2021-007.

Recommendation:

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That Amendment #190 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 #2023-P-10; and
 - B) That "Notice of Adoption" be sent to the applicant, the applicant's agent, the Municipality of Clarington, the Ministry of Municipal Affairs and Housing, and all other person or public bodies who requested notification of this decision.
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Report:**1. Purpose**

- 1.1 On July 8, 2021, Clark Consulting Services Ltd. on behalf of Antonius Vissers and Theodora Vissers (Vissers Sod Farm Ltd.), submitted an application to amend the Regional Official Plan (ROP) to permit the following:
- a. the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels in the Municipality of Clarington; and
 - b. that the proposed retained farm parcel be provided frontage onto a year-round publicly maintained road by way of a future access easement from the surplus farm dwelling parcel.

2. Site Description

- 2.1 The subject lands are located south of Taunton Road (Regional Road 4) between Green Road and Maple Grove Road. The site is municipally known as 4382 Green Road and is legally described as Part of Lots 17 and 18, Concession 4, former Township of Darlington, in the Municipality of Clarington. The site is located northwest of the Bowmanville Urban Area (refer to Attachment 1).
- 2.2 The subject lands are irregular in shape and contain an existing two-storey dwelling fronting on Green Road. The southern portion of the subject lands contains natural heritage features associated with the Harmony-Farewell Iroquois Beach Wetland Complex.
- 2.3 Green Road is public road maintained year-round, whereas the segment of Maple Grove Road that abuts the western limit of the subject lands is a seasonally maintained public road and provides access to the farm parcel during the spring, summer, and fall seasons.
- 2.4 Existing land uses surrounding the subject lands include:
- a. North – agricultural lands, wetlands, and woodlands;
 - b. East – Green Road, residential uses, woodlands and valleylands;
 - c. South – An unopened road allowance between Concessions 3 and 4, residential uses, wetlands, and woodlands; and
 - d. West – Maple Grove Road (a seasonally maintained public road), agricultural lands, wetlands, and woodlands.

3. Background

- 3.1 The applicant has applied to amend the ROP to sever a 0.607 ha (1.5 acre) parcel of land containing a dwelling that is considered surplus to the farm operation. The retained farm parcel of approximately 36.5 ha (90.3 acres) will continue to be farmed (refer to Attachment 2). The dwelling on the subject lands is not utilized by a farm employee and is currently rented to persons not involved with the farm business.
- 3.2 The applicant has concurrently applied to amend the Municipality of Clarington Official Plan and Zoning By-law (COPA 2021-0007 and ZBA 2021-0012) to sever the subject farm dwelling which is considered surplus to the farming operation, as a result of the consolidation of non-abutting farm parcels.

4. Previous Reports and Decisions

- 4.1 On September 7, 2021, the Planning and Economic Development Committee received the Public Meeting Report #2021-P-18 which includes the details of the proposed non-abutting surplus farm dwelling severance.

5. Reports Submitted in Support of the Application

- 5.1 A Planning Justification Report, including a Farm Holdings Inventory Report prepared by Clark Consulting Services Ltd. had been submitted to support the proposed application. The Planning Justification Report concluded that the application conforms with the applicable Provincial and Regional policies and the Provincial requirements of the Minimum Distance Separation.
- 5.2 The Site Screening Questionnaire completed by GHD Ltd. indicated that there are no environmental site contamination concerns at the subject lands.

6. Provincial Plans and Policies

- 6.1 The subject lands are located within the “Protected Countryside” designation in 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 the farm consolidation, provided that the planning authority ensures that a new residential dwelling is not permitted on the proposed retained farm lot created by the severance.

7. Durham Regional Official Plan (ROP) Context

- 7.1 The subject lands are designated “Major Open Space Areas” in the ROP. There are Key Natural Heritage/Key Hydrologic Features identified on the south portion of the subject lands. Severance applications for agricultural uses within the Major Open Space Area designation may be considered in accordance with the relevant policies of Sub-Section 9A of the ROP.
- 7.2 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 a size which is viable for farming operations;
 - c. for sites within the Protected Countryside of the Greenbelt Plan, the dwelling was in existence as of December 16, 2004; and
 - d. the farm parcel is zoned to prohibit any further severance or the establishment of any residential dwelling.

The Regional Official Plan also states that no further severance shall be permitted from the acquired farm parcel.

- 7.3 Policy 14.8.5 of the ROP requires all proposed lots to have frontage upon, and access to, a public road which is maintained by the appropriate authority as open to traffic on a year-round basis and is of a standard construction adequate to provide for the additional traffic generated by the proposed development.

8. Planning Analysis

- 8.1 Vissers Sod Farm Ltd. or individual family members of the farm corporation own ten farm properties which include five houses, in the Municipality of Clarington. The house located on the subject lands is currently rented out to a non-farm employee and is considered surplus to the farm operation.
- 8.2 The existing house located on the subject lands existed prior to December 16, 2004, when the Greenbelt Plan came in effect. The retained farmland comprising of 36.5 ha (90.3 acre) will continue to be a size viable for agriculture.

- 8.3 The draft Regional Official Plan Amendment requires that the retained farm parcel be rezoned to prohibit any further severances or the development of any new residential dwellings. The retained farm parcel will require frontage on Green Road which is a public road maintained year-round. Access to Green Road would be by way of an access easement to be granted from the proposed surplus farm dwelling parcel. The specific details of the proposed access easements will be addressed through the required future Land Division Committee process.
- 8.4 The proposed amendment is consistent with the PPS and conforms with the Greenbelt Plan and the Durham Regional Official Plan.

9. Public Meeting and Submissions

- 9.1 In accordance with the Planning Act, a notice of public meeting regarding this application was published in the appropriate newspaper, mailed to those who own land within 120 metres (400 feet) of the subject lands, and a public meeting was held on September 7, 2021. Commissioner's Report #2021-P-18 provides information on the application.
- 9.2 The Region did not receive any written submission from the public related to the proposed amendment application.

10. Consultation

- 10.1 On December 5, 2022, Clarington Council adopted the related Clarington Official Plan Amendment and Zoning By-law Amendment applications. The approval of the applications included permissions for the farm parcel to be provided with frontage on an open road by way of a future access easement from the surplus farm dwelling parcel. The Zoning By-law Amendment will prohibit any further severances and new residential development on the retained farm parcel.
- 10.2 The Central Lake Ontario Conservation Authority, the Ministry of Municipal Affairs and Housing, Durham Agricultural Advisory Committee, the Regional Health Department, the Regional Works Department, and Canada Post have no concerns with the approval of the application.
- 10.3 No comments or concerns were received from any member of the public.

11. Notice of Meeting

- 11.1 Written notification of the meeting time and location of the Planning and Economic Development Committee was sent to all that requested notification, in accordance with Regional Council procedure.
- 11.2 The recommendation of the Planning and Economic Development Committee is scheduled to be considered by the Regional Council on April 26, 2023. 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 Land Tribunal (OLT).

12. Relationship to Strategic Plan

- 12.1 In the processing of ROPA amendment applications, the objective is to ensure responsive, effective and fiscally sustainable service delivery in accordance with Goal 5 of the Durham Region Strategic Plan (DRSP), "Service Excellence".
- 12.2 Goal 3 of the DRSP promotes Economic Prosperity. The application specifically supports the Goal 3.5 "Provide a supportive environment for agriculture and agri-food industries".

13. Conclusion

- 13.1 The proposed amendment is consistent with the PPS and conforms with the policies of the Greenbelt Plan and the ROP. The provisions of the implementing Zoning By-law Amendment will prohibit any further severances and the development of a new residential dwelling for the retained farm parcel. Accordingly, it is recommended Amendment #190 to the ROP, as shown in Attachment 3, be adopted.

14. Attachments

Attachment #1: Location Sketch

Attachment #2: Agricultural Land Holdings

Attachment #3: Amendment #190 to the Durham Regional Official Plan

Respectfully submitted,

Original signed by

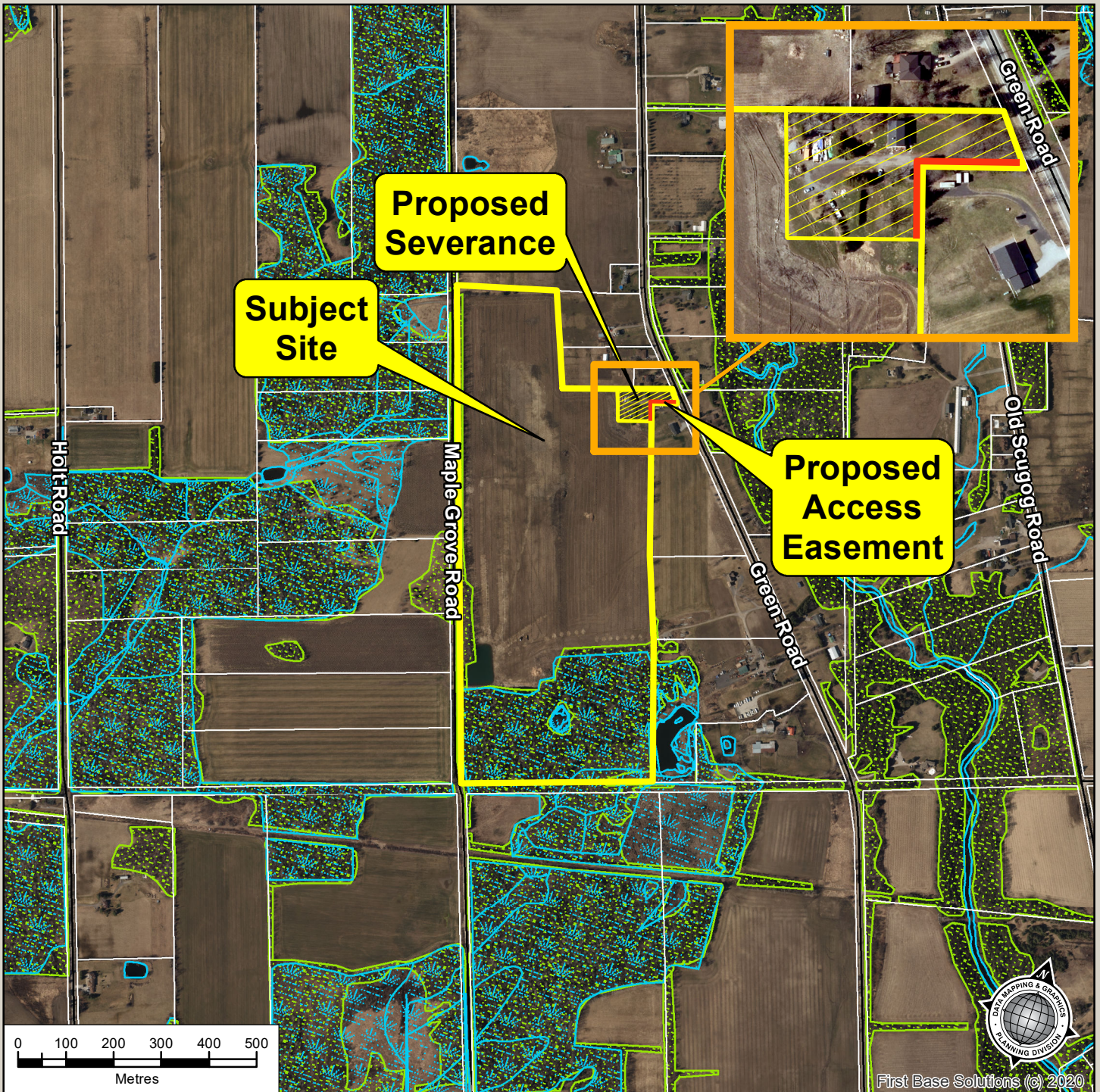
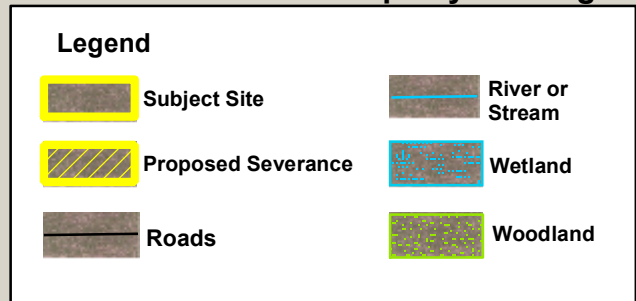
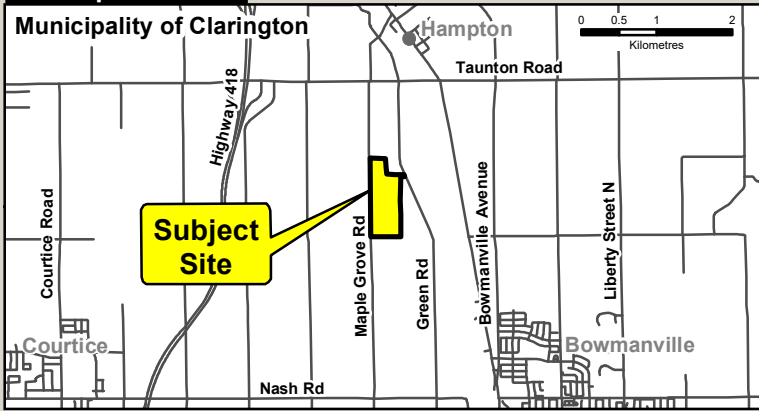
Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

Original signed by

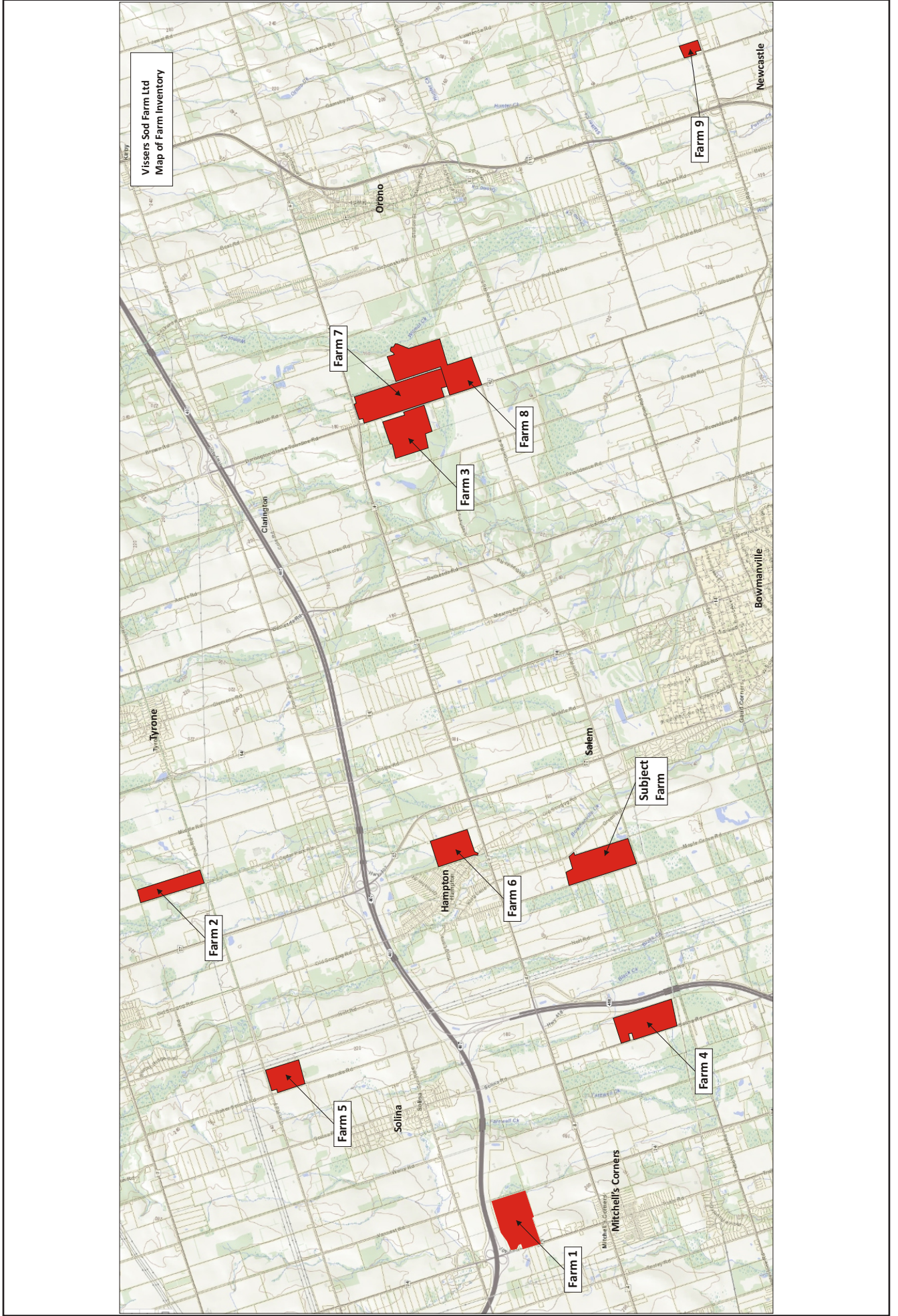
Elaine C. Baxter-Trahair
Chief Administrative Officer

Municipal Context



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Amendment #190 to the Durham Regional Official Plan

Purpose and Effect:	The purpose of this Amendment is to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels on lands designated “Major Open Space Areas”.
Location:	The subject site is located south of Taunton Road between Green Road and Maple Grove Road. The site is municipally known as 4382 Green Road and is legally described as Part of Lots 17 and 18, Concession 4, former Township of Darlington, in the Municipality of Clarington.
Basis:	The subject site is proposed to be consolidated with the other non-abutting farm parcels owned by the applicant. The residential dwelling on the subject site is not required by, and is surplus to, the farm operation. This amendment conforms with the Durham Regional Official Plan, the Greenbelt Plan, and the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
Amendment:	<p>The Durham Regional Official Plan is hereby amended by adding the following policy exception to Section 9A.3.2:</p> <p>“9A.3.2 ddd) A surplus farm dwelling is severed from the parcel identified as Assessment No. 18-17-010-080-19900 located in Part of Lots 17 and 18, Concession 4, former Township of Darlington, in the Municipality of Clarington, subject to the inclusion of provisions in the zoning by-law to prohibit the establishment of any dwellings on the retained parcel. In accordance with Provincial and Regional policies, no further severance of the property is permitted. A 5-metre access easement on the severed parcel shall be granted in favour of the retained farm parcel to provide access to Green Road.”</p>
Implementation:	The provisions set forth in the Durham Regional Official Plan regarding the implementation of the Plan shall apply in regard 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.