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The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2024-P-6
Date: March 5, 2024

Subject:

Decision 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 (Regional Official Plan Amendment #197).

Recommendation:

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

- A) That Amendment #197 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 #2024-P-6;
 - 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; and
 - C) That the Minister of Municipal Affairs and Housing be requested to modify the Council adopted Durham Regional Official Plan as shown on Attachment 4 so that the approvals granted by Regional Council through Amendment #197 are carried forward and properly reflected in the Region's new Official Plan which is currently pending approval by the Minister.
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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.

2. Previous Reports and Decisions

- 2.1 On April 4, 2023, the Planning and Economic Development Committee received the Public Meeting Report [#2023-P-8](#), which includes details of the proposed non-abutting surplus farm dwelling severance.

3. Site Description

- 3.1 The subject site 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 Parts 7 and Lot 8, Concession 6, former Township of Darlington in the Municipality of Clarington (refer to Attachment 1).
- 3.2 The subject site is 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 north to south direction.
- 3.3 The surrounding land uses adjacent to the subject site:
- 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

4. Background

- 4.1 Bethesda Ridge Farms operates a cattle farm and produces cash crops. The applicant owns a total of 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.
- 4.2 On March 31, 2022, the applicant purchased the subject farm property to expand agricultural production. The existing dwelling located on the property is not required by a farm employee and is surplus to the farm operation.
- 4.3 The applicant has proposed to sever a 0.93 ha (2.29 acre) rural residential lot with the dwelling and retain a 52.87 ha (131 acre) farm parcel.

5. Reports Submitted in Support of the Application

- 5.1 A Planning Justification Report prepared by Clark Consulting Services was submitted in support of the application. The 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.
- 5.2 A Phase One Environmental Site Assessment was completed for the subject site by GHD Ltd. The report indicated that the property has no potential environmental concern.

6. Provincial Plans and Policies

- 6.1 The subject site 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 lot created by the severance and will be limited to the minimum size needed to accommodate the use.

7. Durham Regional Official Plan (ROP) Context

- 7.1 The subject site is located within the "Prime Agricultural Areas" designation in the current 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.

- 7.2 Policy 9A.2.10 of the current ROP may permit the severance of a farm dwelling rendered surplus as a result of a farm 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.

8. Planning Analysis

- 8.1 The existing dwelling located on the subject farm property is not required by a farm employee and has been deemed as surplus to the farming operation as a result of the consolidation of non-abutting agricultural properties.
- 8.2 The proposed severed parcel is limited to the minimum size to support the existing dwelling, well, and septic system. The retained farm parcel of approximately 52.87 ha (131 acres) will remain a viable size for agricultural use.
- 8.3 The farm dwelling located on the subject site was constructed in 1846, prior to December 16, 2004, when the Greenbelt Plan came into effect. The proposed amendment requires the retained farm parcel to be rezoned to prohibit any further severances, prohibit the establishment of any residential dwellings, and prohibit the barn to be used for housing livestock.
- 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 lands within 120 metres (400 feet) of the subject lands, and a public meeting was held on April 4, 2023. Commissioner's Report [#2023-P-8](#) provides information on the application.
- 9.2 The Region did not receive any written submission from the public related to the amendment application. The applicant's consultant was present at the Public Meeting to answer questions of Committee.

10. Consultation

- 10.1 On January 12, 2024, the Municipality of Clarington provided supporting comments for the proposed Regional Official Plan Amendment application.
- 10.2 The Ministry of Municipal Affairs and Housing, the Central Lake Ontario Conservation Authority, the Regional Health Department, the Regional Works Department, and the Durham Agricultural Advisory Committee indicated no concerns regarding 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 who 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 March 27, 2024. 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 ROP 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".

13. Conclusion

- 13.1 The proposed amendment is consistent with the Provincial Policy Statement and conforms with the policies of the Greenbelt Plan and the Durham Regional Official Plan. The required implementing Zoning By-law will prohibit any future severances and the construction of new dwellings on the retained farm parcel; and the use of the existing barn for housing livestock. Accordingly, it is recommended that Amendment #197 to the ROP, as shown on Attachment #3, be adopted.
- 13.2 During the transition period between the current in-effect ROP (2020 Consolidation) and prior to the Minister of Municipal Affairs and Housing's approval of the adopted ROP (Envision Durham), it is recommended that the Ministry of Municipal Affairs and Housing also be requested to include an amendment, as contained in

Attachment 4, as a modification to the adopted Regional Official Plan through its approval process.

14. Attachments

Attachment #1: Location Sketch

Attachment #2: Applicant's Total Land Holdings

Attachment #3: Amendment #197 to the Durham Regional Official Plan

Attachment #4: Modification to Council adopted ROP (Envision Durham)

Respectfully submitted,

Original signed by

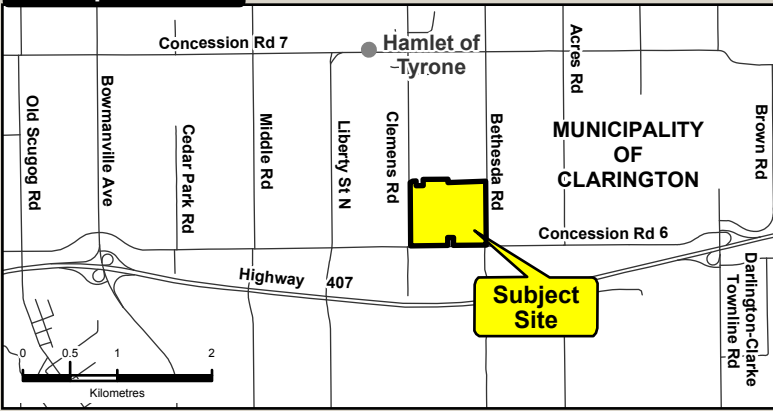
Brian Bridgeman, MCIP, RPP, PLE
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

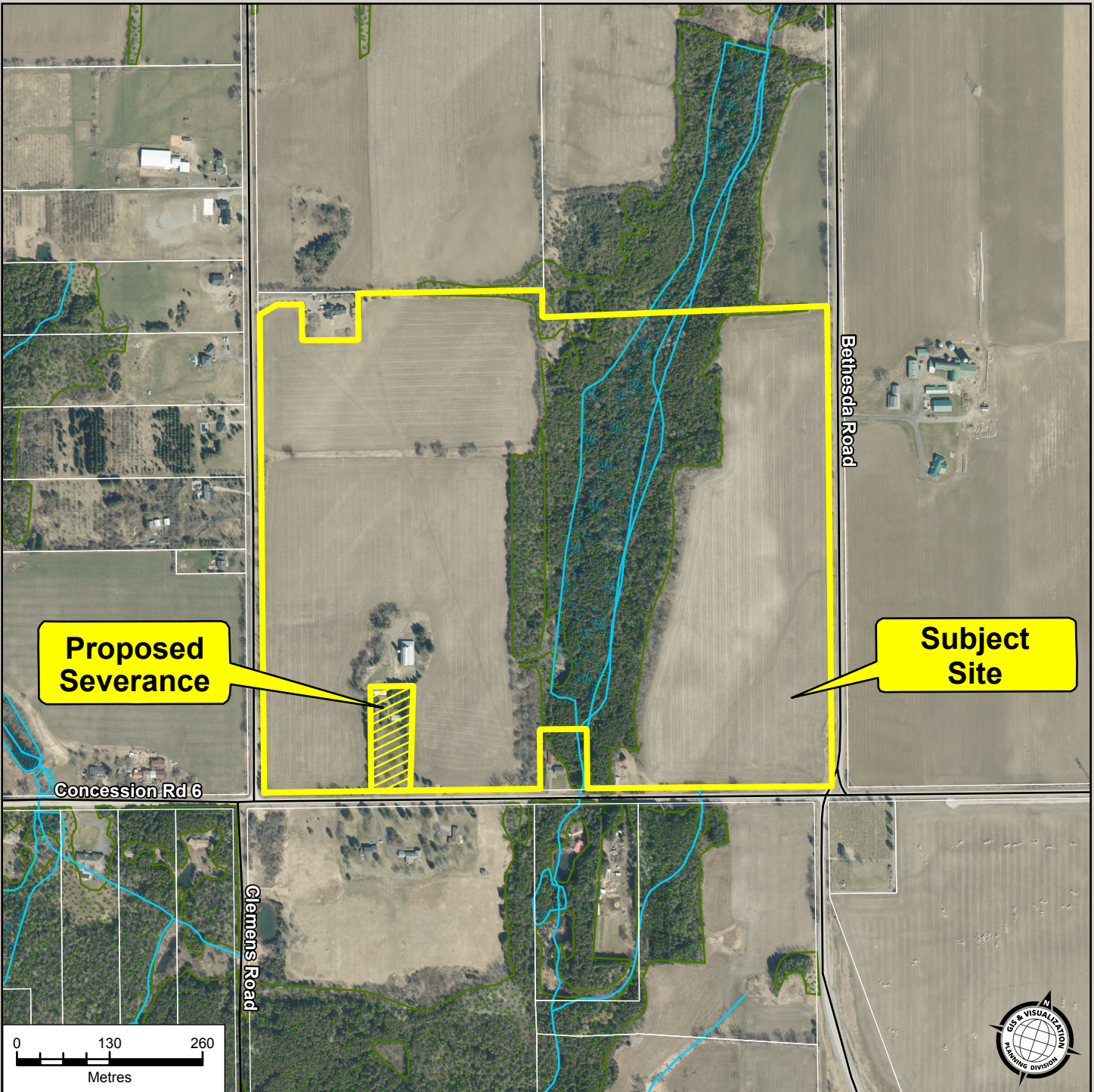
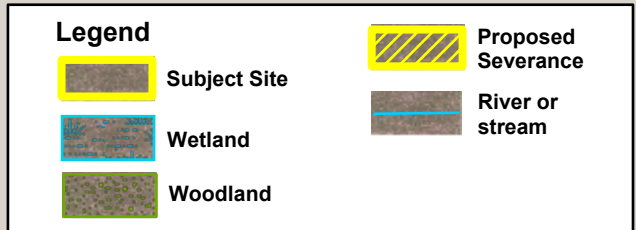
Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

Municipal Context



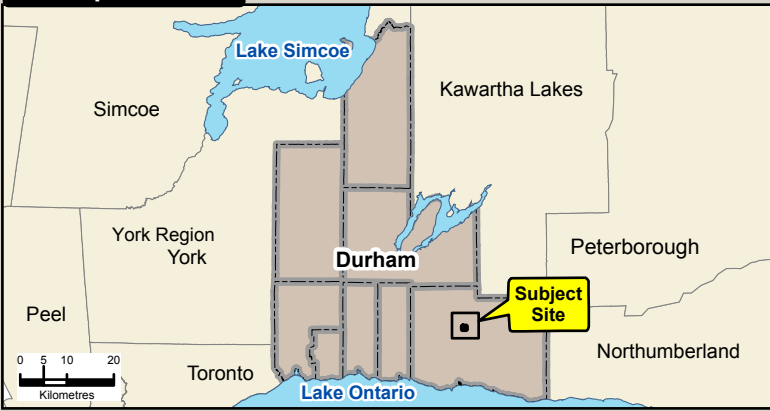
Attachment #1
Commissioner's Report: #2024-P-6
File: ROPA 2023-001
Municipality: Municipality of Clarington



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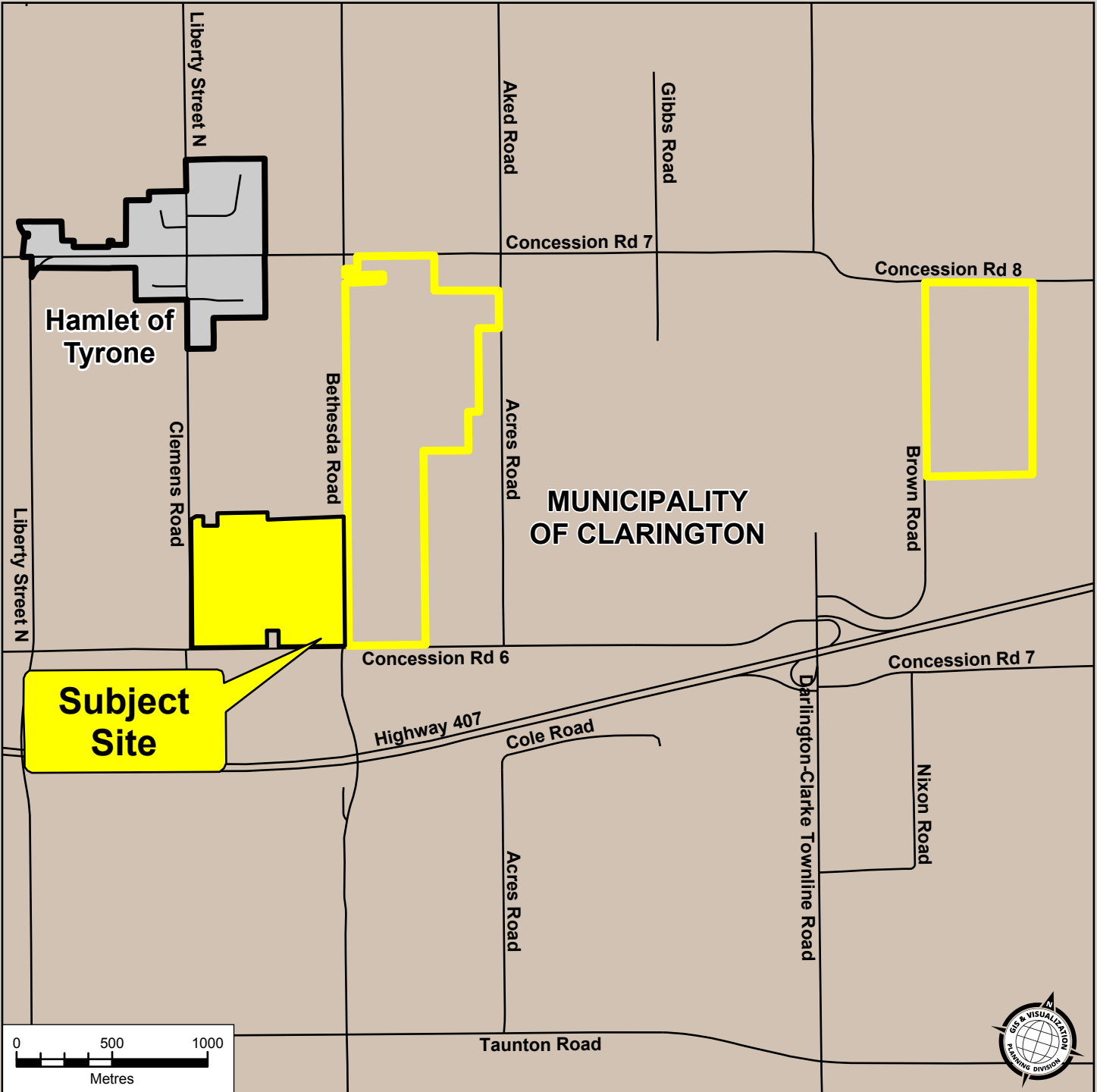
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Municipal Context



Attachment #2
Commissioner's Report: #2024-P-6
File: ROPA 2023-001
Municipality: Municipality of Clarington

Legend



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Amendment #197 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 as “Prime Agricultural Areas.”
- Location:** The subject site 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 Lots 7 and 8, Concession 6, former Township of Darlington, in the Municipality of Clarington.
- Basis:** The subject farm property has been 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 (current Regional Official Plan – 2020 Consolidation):**
- The Durham Regional Official Plan is hereby amended by adding the following policy exception to Section 9A.3.2:
- “9A.3.2 hhh) A surplus farm dwelling rendered surplus from the parcel identified as Assessment No.18-17-010-110-06100 located in Part of Lots 7 and 8, Concession 6, former Township of Darlington, in the Municipality of Clarington, subject to the inclusion of the provisions in the zoning by-law to prohibit the construction of any new dwelling on the retained parcel; and the use of the existing barn for housing livestock. In accordance with Provincial and Regional policies, no further severances of the property are permitted.”*
- Implementation:** The provisions set forth in the Durham Regional Official Plan regarding the implementation of the Plan shall apply in regards to this Amendment.
- Interpretation:** The provision set forth in the Regional Official Plan regarding the implementation of this Plan shall apply in regards to this Amendment.

Request by Durham Region Council to the Minister of Municipal Affairs and Housing to Modify the Durham Regional Official Plan

Request: Durham Region Council hereby requests the Minister of Municipal Affairs and Housing modify the new Durham Regional Official Plan as adopted on May 17, 2023 by adding the following policy exception to Section 10.4:

“10.4.20 hhh) a surplus farm dwelling rendered surplus from the parcel identified as Assessment No. 18-17-010-110-06100 located in Part of Lots 7 and 8, Concession 6, former Township of Darlington, in the Municipality of Clarington, subject to the inclusion of the provisions in the zoning by-law to prohibit the construction of any new dwelling on the retained parcel; and the use of the existing barn for housing livestock. In accordance with Provincial and Regional policies, no further severances of the property are permitted;”

Rationale: On May 17, 2023, Durham Region Council adopted a brand new Regional Official Plan which is currently before the Minister of Municipal Affairs and Housing pending approval. On March 27, 2024, Durham Regional Council adopted Amendment #197 to the currently in effect (the “old”) Official Plan 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. This requested modification to the new Official Plan will enable the permissions granted by Amendment #197 to be carried forward and property reflected in the new Official Plan.