



The Regional Municipality of Durham Report

To: Committee of the Whole
From: Commissioner of Planning and Economic Development
Report: #2017-COW-240
Date: November 1, 2017

Subject:

Decision Meeting Report

Application to Amend the Durham Regional Official Plan, submitted by 1725596 Ontario Limited, 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, File: OPA 2017-002

Recommendations:

That the Committee of the Whole recommends to Regional Council:

- A) That Amendment #169 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 #2017-COW-240; 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 all other persons or public bodies who requested notification of this decision.
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Report:

1. Background

- 1.1 On April 7, 2017, Ronald F. Worboy, on behalf of 1725596 Ontario Limited, submitted an application to amend the Durham 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 The subject site is located on the west side of Riley Road approximately 830 metres south of Highway 401, between Metcalf Street and Lakeshore Road (refer to Attachment #1). The property is legally described as Part of Lot 25, Broken Front Concession, in the Municipality of Clarington.
- 1.3 The subject site is generally rectangular in shape and gently slopes downward from north to south. The site is approximately 39 hectares (96 acres) in size, of which approximately 34 hectares (84 acres) are being used for cultivation. Two creeks with associated woodlots traverse the site from east to west. A residential dwelling with accessory structures is located at the eastern part of the property.
- 1.4 The proposed severed parcel would include the existing dwelling and two sheds. The proposed retained parcel does not include any structures.
- 1.5 Surrounding land uses include:
 - North – Canadian National Railway tracks and agricultural lands;
 - East – agricultural lands, a stream and woodlot, and a rural residence;
 - South – Lakeshore Road and rural residences;
 - West – agricultural lands, a stream and woodlot, and rural residences.

2. Regional Official Plan Amendment Application

- 2.1 The ROP amendment application would permit the severance of a 0.41 hectare (1.02 acre) rural residential lot, retaining a 38.3 hectare (94.6 acre) agricultural lot.
- 2.2 The following reports were submitted in support of the application:
 - A Planning Justification/Agricultural Assessment Report, prepared by Clark Consulting Services Ltd., dated December 2015 (revised May 2016) concluded that the application conforms to the applicable Provincial and Regional policies.
 - An Inventory of Land Holdings prepared by Clark Consulting Services indicates that 1725596 Ontario Limited currently owns a total of 16 properties comprising 481 hectares (1,189 acres), and is affiliated with Algoma Orchards Ltd., which owns a further 3 properties comprising 31 hectares (77 acres). About 90% of the overall land holdings are workable, and are located in the Municipality of Clarington (refer to Attachment #2). Four of the seven dwellings located on the farm properties are not occupied by persons related

to the farm operation. The owners of the two farm corporations reside in privately-owned dwellings.

3. Provincial Policies

3.1 The subject site is located within the Protected Countryside of the Greenbelt Plan. Both the Greenbelt Plan and Provincial Policy Statement permit the severance of a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures it meets Minimum Distance Separation requirements and that a new residential dwelling is not permitted on the proposed farm lot created by the severance.

4. Regional Official Plan

4.1 The subject site is designated "Waterfront Areas" in the ROP with portions of the site containing Key Natural Heritage and/or Hydrologic Features (KNHFF). The policies of the ROP state that uses permitted in the Major Open Space Areas may also be considered in Waterfront Areas. Agricultural uses are permitted in Major Open Space Areas.

4.2 Policy 9A.2.10 of the ROP allows for the consideration of a severance for a farm dwelling rendered surplus as a result of a farmer acquiring a non-abutting farm, by amendment to this Plan, provided that:

- the dwelling is not needed for a farm employee;
- the farm parcel to be acquired is of a size which is viable for farming operations;
- within the Protected Countryside of the Greenbelt Plan Area, the dwelling was in existence as of December 16, 2004; and
- the farm parcel is zoned to prohibit any further severances and the establishment of any residential dwelling.

The ROP also states that no further severances shall be permitted from the acquired parcel.

5. Planning Analysis

5.1 1725596 Ontario Limited and Algoma Orchards Ltd. own a total of 16 farm properties located in the Municipality of Clarington. There are a total of seven dwellings on the farm properties, one of which is on the subject property and is

occupied. The farming operation employs 115 full-time and 150 part-time employees other than its principals. The existing dwelling on the subject lot is surplus to the farm operation. Additionally, the retained farm parcel is of a size which is viable for farming operations.

- 5.2 The dwelling on the property existed prior to December 16, 2004 in accordance with the Greenbelt Plan. The proposed severed lot is of a sufficient size to accommodate the existing dwelling and private servicing systems.
- 5.3 The proposed severance of the existing accessory farm dwelling meets the tests of the ROP for a dwelling rendered surplus as a result of a farmer acquiring a non-abutting farm (i.e. Policy 9A.2.10). The proposed ROP Amendment (refer to Attachment #3) requires that the proposed retained parcel be zoned to prohibit the establishment of any new dwelling and any further severances.
- 5.4 The requisite Land Division Committee application must address specific technical details regarding the proposed lot configuration, size, frontage, status of existing buildings and vehicular access affecting the proposed lots.

6. Public Meeting and Submissions

- 6.1 In accordance with the *Planning Act*, a notice of public meeting regarding this application was published in the Clarington This Week newspaper and mailed to surrounding landowners. A public meeting was held on June 7, 2017. Commissioner's Report #2017-COW-128 provided information on the application.
- 6.2 The Region received four general public inquiries requesting additional information and/or notification on the outcome of this application.

7. Consultation

- 7.1 The following stakeholders have submitted comments indicating no concerns with the application: the Regional Works and Health Departments; Durham Region Transit; the Municipality of Clarington; Ganaraska Region Conservation Authority; Canada Post; the Durham Agricultural Advisory Committee; and the Ministry of Municipal Affairs.

8. Notice of Meeting

- 8.1 Written notification of the meeting time and location of the Committee of the Whole and Council was sent to all that made oral or written submissions or requested notification, in accordance with Regional Council procedure.

8.2 The recommendation of the Committee of the Whole is scheduled to be considered by Regional Council on November 15, 2017. 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 Municipal Board.

9. Conclusion

9.1 The proposal complies with the PPS, the Greenbelt Plan, and the ROP. It has also been demonstrated that the current dwelling is surplus to the farm operation's needs. The proposal maintains the intent of the ROP to preserve farmland for agricultural purposes. Accordingly, it is recommended that Amendment #169 to the ROP, as shown in Attachment #3, be adopted.

10. Attachments

Attachment #1: Location Sketch

Attachment #2: Farm Land Holding Inventory

Attachment #3: Amendment #169 to the Regional Official Plan

Respectfully submitted,

Original signed by

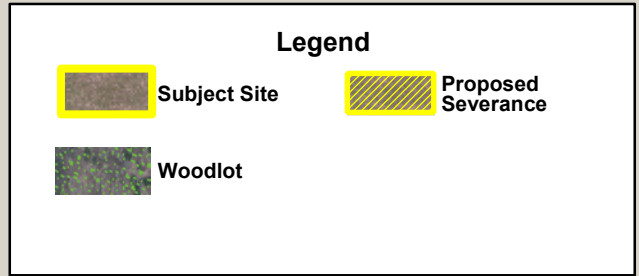
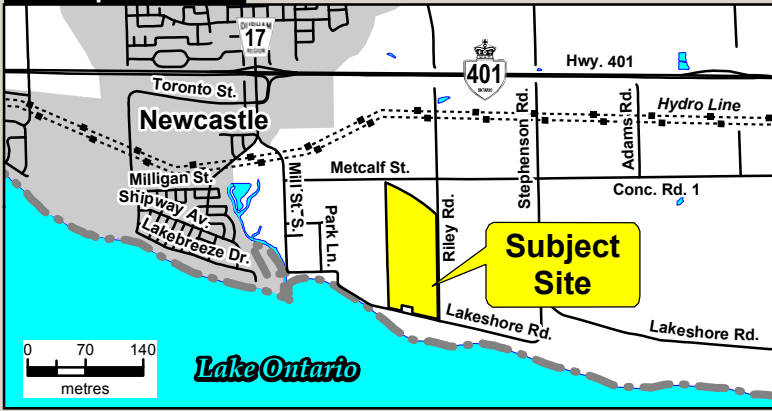
B.E. Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

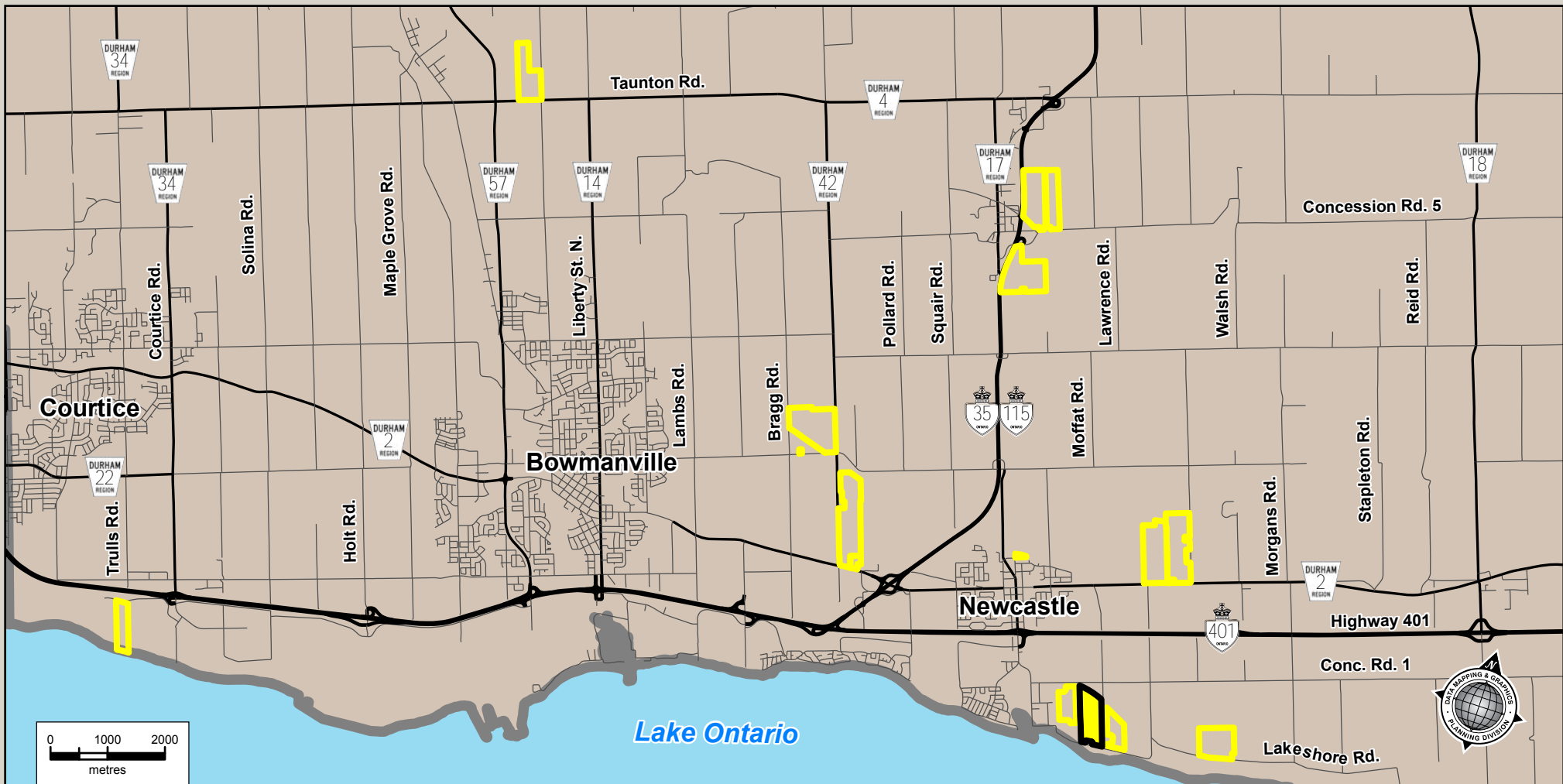
Original signed by

G.H. Cubitt, MSW
Chief Administrative Officer

Municipal Context



Municipal Context



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Amendment #169 to the Durham Regional Official Plan

- Purpose:** The purpose of this Amendment is to permit the severance of a residential dwelling lot rendered surplus as a result of the consolidation of non-abutting farm parcels on lands designated “Waterfront Areas” in the Municipality of Clarington.
- Location:** The subject property is located on the west side of Riley Road, north of Lakeshore Road. The property is legally described as Part of Lot 25, Broken Front Concession, Municipality of Clarington.
- Basis:** The subject property is proposed to be consolidated with other non-abutting farm parcels owned by the applicant. There is a residential dwelling on the subject property, which is not required by, and is surplus to the farm operation. This application complies with the Durham Regional Official Plan, the Greenbelt Plan, and the Provincial Policy Statement.
- Amendment:** The Durham Regional Official Plan is hereby amended by adding the following policy exception to Section 9A.3.2:

“9A.3.2rr) A surplus dwelling as severed from the parcel identified as Assessment No. 18-17-030-110-15300 located in Part of Lot 25, Broken Front Concession, former Township of Darlington, in the Municipality of Clarington, subject to the inclusion of provisions in the zoning by-law to prohibit: further severances; and the construction of any dwelling on the retained parcel.”
- 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 provisions set forth in the Durham Regional Official Plan regarding the interpretation of the Plan shall apply in regards to this Amendment.