

## Planning Services Department

If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131

**To:** Mayor and Members of Council  
**From:** Michael Seaman, Director of Planning Services  
**Date:** June 6, 2019  
**Subject:** **Environmental Protection Lands and Agriculture Uses**  
**File:** PLN 40

The recent article in the **June 2019 Clarington Promoter Volume 9 Issue 2** has some misleading and inaccurate information that should be clarified.

The headline was startling and would lead one to believe that half the Municipality will be rezoned Environmental Protection, should Council adopt the draft rural zoning bylaw. Currently in the two existing zoning by-laws, 37,140 acres of land are zoned Environmental Protection, 25% of the 151,000 acres, which make up the whole of Clarington. The Draft Zoning By-law for the rural portion of the Municipality proposes to add 33,600 acres to Environmental Protection. The majority of land being added is woodlots, wetlands, other recognizable environmental features and a buffer protection of these features. However, this also includes 13340 acres of lands identified Minimum Vegetation Protection Zone, as required by Provincial Policy. These are features that are designated Environmental Protection in the Clarington Official Plan. Over the past 35 years (since 84-63) mapping techniques and accuracy has greatly improved also lands that are no longer being farmed have regenerated.

A zoning by-law review has a couple of stated purposes:

- Bring the zoning into conformity with current Provincial Policy and Local Official Plans, and
- Bring the zoning into conformity with legal uses being carried out on the land.

What does the zoning change mean to the property owner? There are a number of statements in the article about how the Environmental Protection zoning will affect the assessed value of the land and its productivity. Whatever is being farmed today can continue to be farmed in the future, zoning does not affect productivity. MPAC has confirmed that as per the *Assessment Act*, Section 19.5 assessed land value is based on the lands productivity, not zoning.

The article quoted the Transparency and Accountability Corporate Policy No. F-11, which would lead one to believe that Planning Staff have not followed this procedure. Staff have in fact conducted many public meetings, information sessions and reports on the Official Plan and more recently, Zone Clarington. Even though the article acknowledges “the open and transparent process that has taken place to date” it raises questions on compliance. Zone Clarington staff have been meeting with the Agriculture Advisory Committee of Clarington, held 4 public open houses, met with individual interest groups, including the Durham Landowners Association and continue to receive comments.

We acknowledge the Durham Landowners Association may not be satisfied. Their stated purpose is to uphold fundamental principles of Ontario landowners property rights and represent the interests of the rural Ontario community. At the meeting with them, the Municipality’s ability to zone private property was questioned. Bringing the zoning into conformity with Provincial plans and policies is something provincial legislation requires the Municipality to complete. Bringing the zoning into conformity with Provincial plans and Official Plan policies and the use being made of land is not taking away a property right; it is accurately reflecting what is legally possible on a piece of land.

Of the stated challenges outlined at the end of the article, most are speculation without an appreciation of how land is assessed for taxation. A property’s assessed value is different than its real estate market potential. The statement that current land uses may no longer be permitted is simply untrue, as is the statement that farming practices may not be permitted on EP designated lands. *Again, if lands are currently in agricultural production they can continue to be farmed.* It is true that future use of environmental protection lands is restricted, hopefully we all have collectively learned from the past and will no longer allow construction in flood-prone areas or the destruction of key natural features. We have all experienced how bad that was/is for the environment.

Planning Services Staff are scheduled to present at the June 10<sup>th</sup> meeting of Council. Staff will present the information provided to the Durham Landowners Association and the Agricultural Advisory Committee of Clarington.

If there are any questions, we are happy to meet with the property owners and will be holding additional public sessions as we work towards the next phase of the Zone Clarington work plan.

Further information can be found on our webpages below and in the attached Agricultural Advisory Committee of Clarington presentation.

ZONE Clarington project webpage: [www.clarington.net/zoneclarington](http://www.clarington.net/zoneclarington)

EP info sheet:

<https://www.clarington.net/en/do-business/resources/Zoning/Zone-Clarington/Info-Sheets/Environmental-Protection.pdf>

Site Plan Control info sheet:

<https://www.clarington.net/en/do-business/resources/Zoning/Zone-Clarington/Info-Sheets/Site-Plan-Control.pdf>

Public Open House Display Boards – boards #5 through #9 may also be helpful:

<https://www.clarington.net/en/do-business/resources/Zoning/Zone-Clarington/Open-House-Panels.pdf>

Yours truly,

A handwritten signature in blue ink, appearing to read "M. Seaman". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Michael Seaman, MCIP, RPP  
Director of Planning Services



# Draft Zoning By-law (Nov. 2018) Environmental Protection Zone and Agricultural Practices

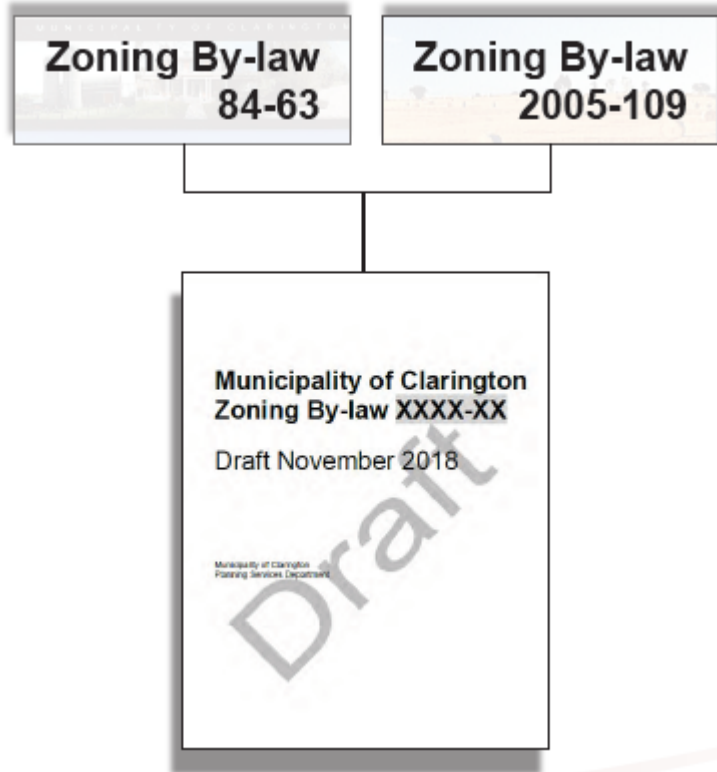
Agricultural Advisory Committee of Clarington Meeting  
April 11, 2019



# Agenda

- What is Zone Clarington?
- Municipal Land Use Planning & Watershed Planning
- Land Use Planning for Environmental Protection
- Zoning for Environmental Protection
- Agriculture & Environmental Protection
- Agriculture & Environmental Reviews
- Examples
- Next steps

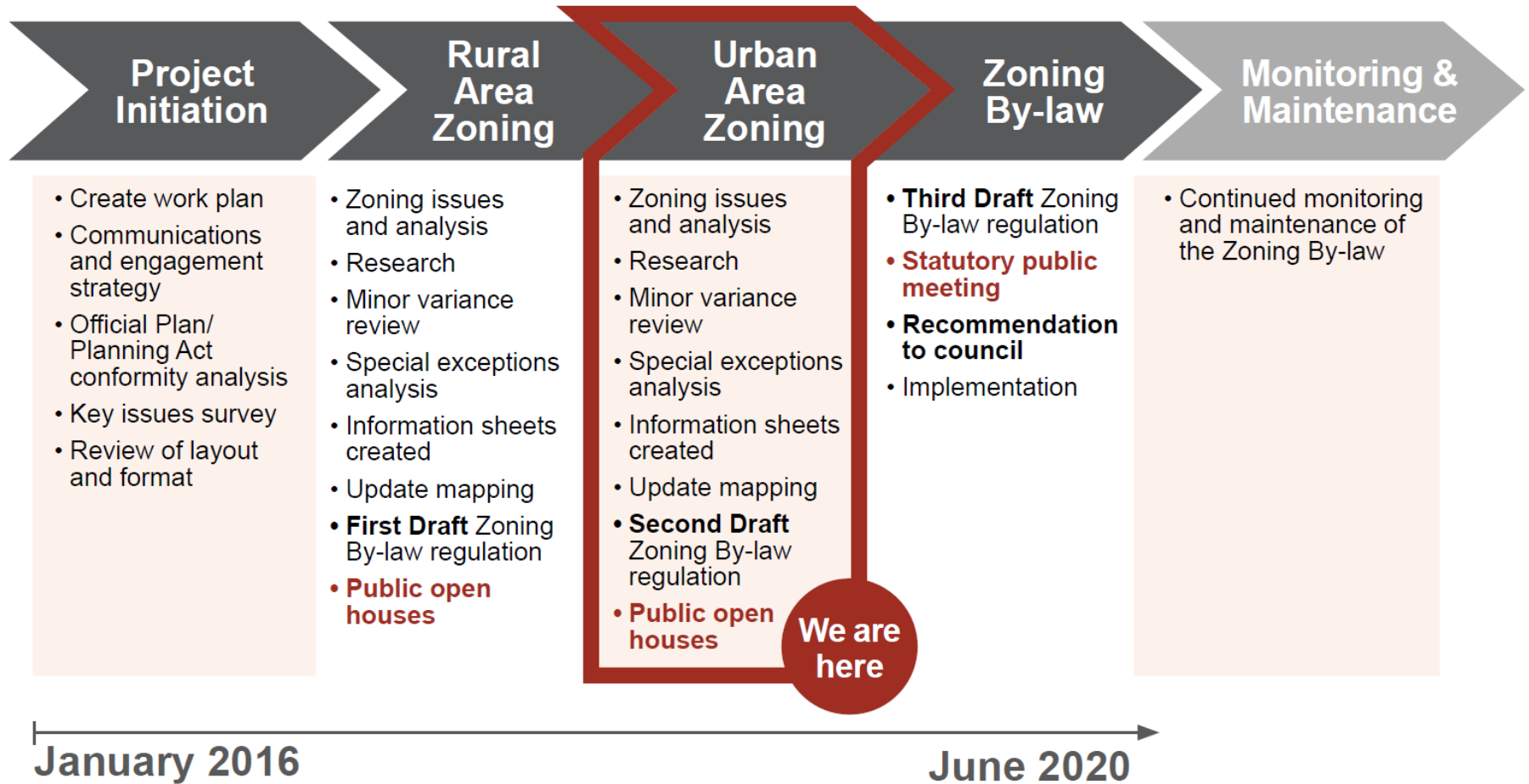
# What is ZONE Clarington?



## Guiding Principles:

- Implement the Official Plan, helping Clarington to develop and thrive.
- Modernize and improve usability of the zoning by-law.
- Respect our unique mix of urban and rural communities.

# General Work Program



# Watershed vs Municipal Planning

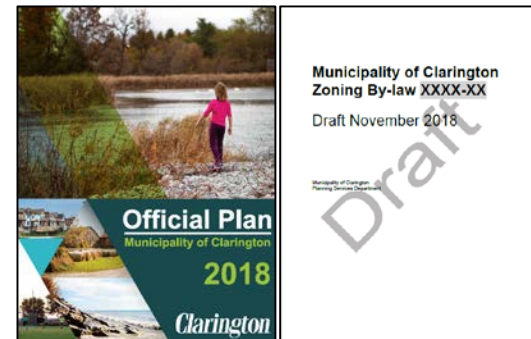
## Watershed Plans

- Conservation Authority-led
- Various scales
- Do not prescribe land use
- Informs municipalities
- Recommend targets and actions to improve watershed health



## Municipal Plans

- Municipal-led
- Municipal-wide
- Translates watershed plan recommendations into regional and local official plans, secondary plans and zoning by-laws





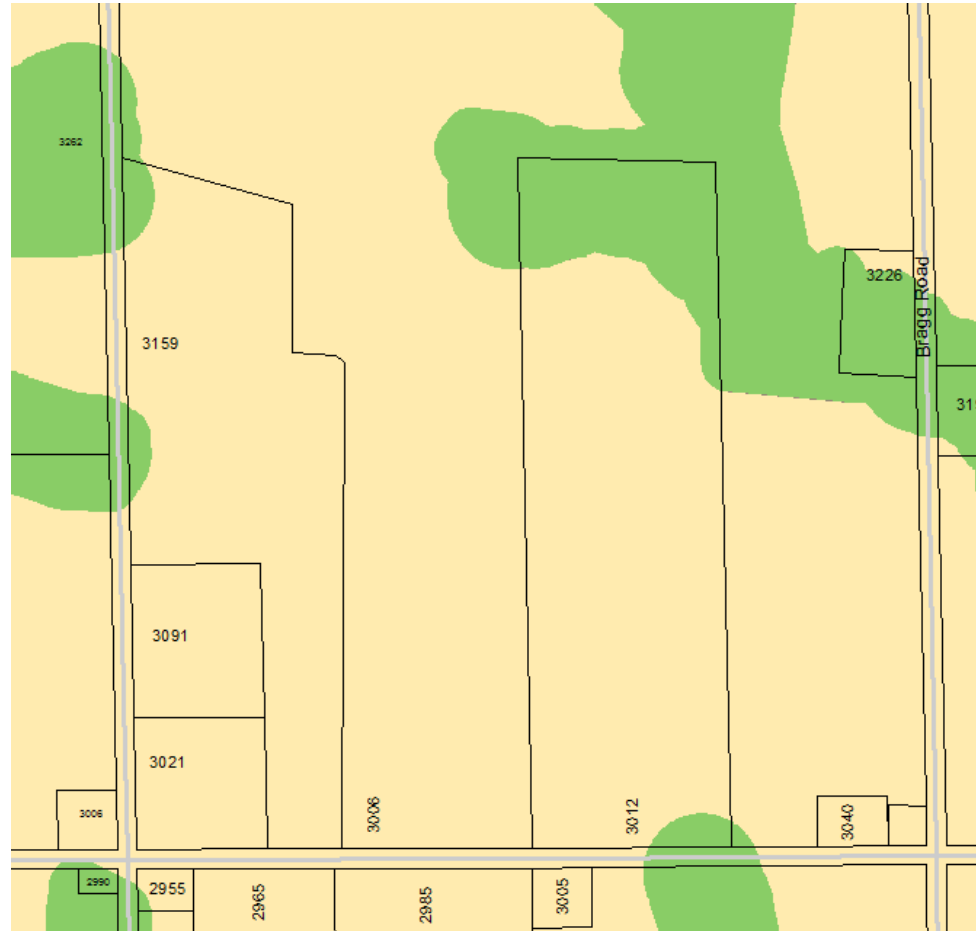


# Environmental Protection in the Official Plan

- Environmental Protection Area designation in the Clarington Official Plan protects:
  - Wetlands
  - Fish habitat and riparian corridors
  - Valleylands
  - Significant woodlands
  - Areas of natural and scientific interest (ANSIs)
  - Beach bluffs
  - Floodplains
- EP includes a 30 m wide vegetation protection zone
- Policy direction requires an evaluation within 120 m of a natural heritage feature (minimum area of influence).

# Official Plan Land Use Example

-  Environmental Protection Area
-  Prime Agricultural Area








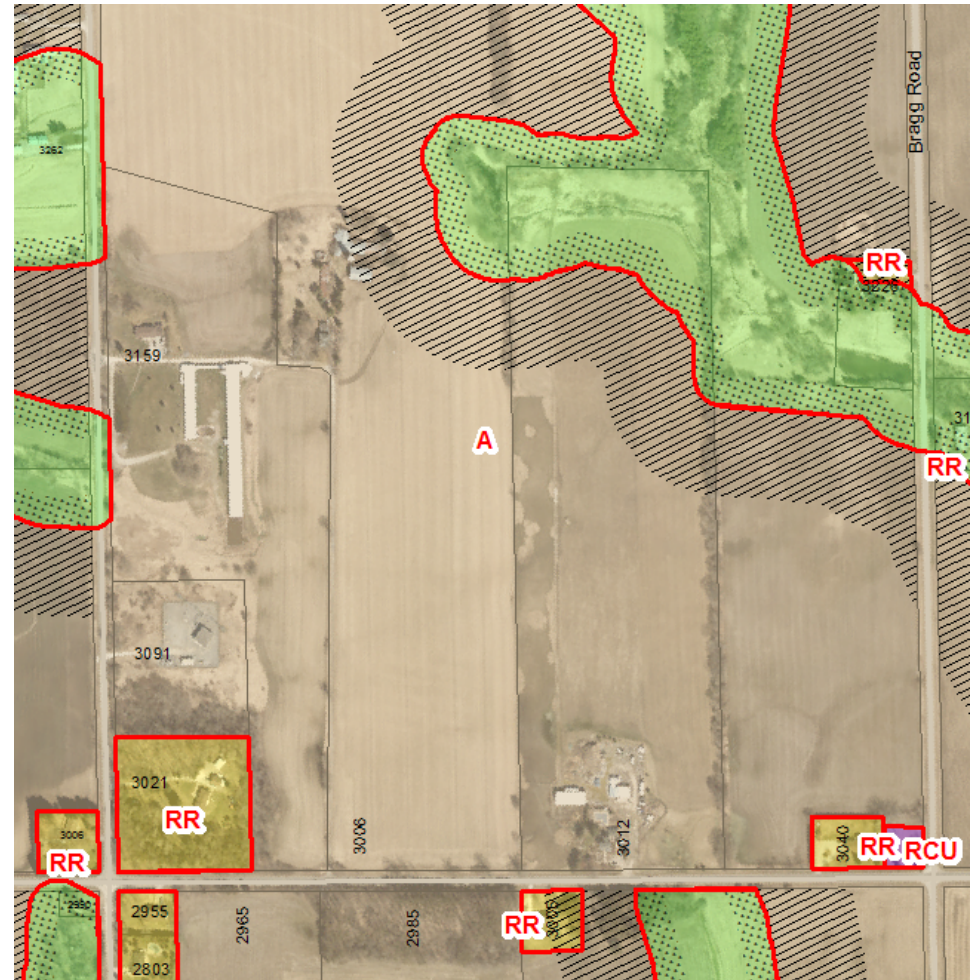


# Zoning for Environmental Protection

- EP zone = EP designation in the Official Plan
- Minor adjustments made to represent existing conditions and for connectivity to environmental features
- In rural non-settlement areas:
  - EP zone includes a 30 m Minimum Vegetation Protection Zone (MVPZ) overlay - a buffer to protect environmental features
  - Environmental Review Area (ERA) overlay is applied to lands within 120 m of environmental features – a trigger for Site Plan Control to assess potential impacts of proposed development on the environmental features
- The MVPZ and ERA overlays have been trimmed where a road separates them from the environmental features.

# Draft Zoning By-law Example

-  Environmental Protection (EP)
-  Minimum Vegetation Protection Zone Overlay
-  Environmental Review Area Overlay
-  Agricultural (A)
-  Rural Residential (RR)



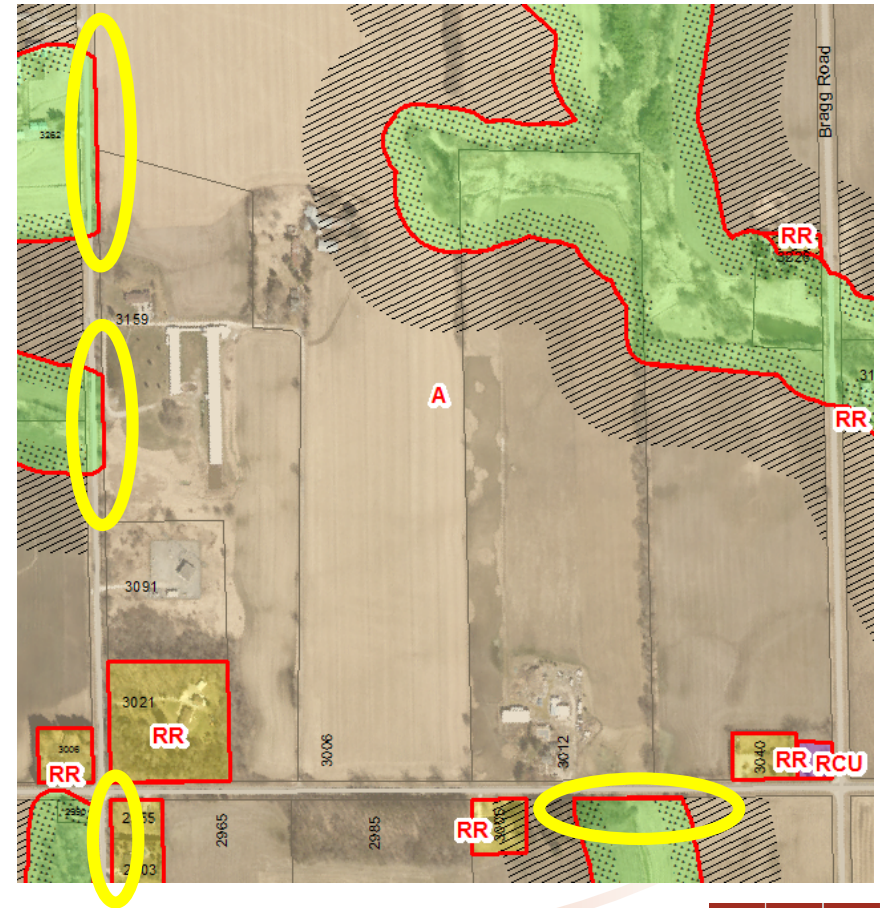


# A Comparison

Official Plan Mapping



Draft Zoning By-law Mapping





# Agriculture & Environmental Protection

## Clarington Official Plan

- A key objective is to protect natural heritage features and functions from incompatible development.
- An environmental impact study is not required for agricultural, agriculture-related or secondary on-farm use building or structure if the feature is protected from impact and the building/structure is located outside of the feature and the MVPZ (Policy 3.4.18).
- Clearing of woodlands on a farm for agriculture may be permitted (subject to conditions), except in the designated EP Area (Policy 3.6.22).



# Agriculture & Environmental Protection

## Draft Zoning By-law

The following is permitted in the EP Zone & MVPZ:

- Existing farm uses, but no new buildings and structures.
- New single detached dwellings on “*existing lots of record*”.
- Additions to single detached dwellings on “*existing lots of record*”.
- All other legally existing uses.\*

\* Planning approvals (e.g. minor variance or site plan control) may apply.



# Agriculture & Environmental Reviews

- Expansions to an existing use within the EP zone (including the MVPZ) may be possible through a minor variance or rezoning. Those applications would need to be supported by an environmental impact study/evaluation. A site plan may be required.
- Within the ERA outside of the EP zone, agricultural, agriculture-related and secondary on-farm uses are not required to undertake an environmental impact study/evaluation and do not require site plan approval.
- Within the ERA outside of the EP zone, residential uses may be required to undertake an environmental impact study/evaluation and may require site plan approval.



# Examples

Proposal	Process	
	...if in EP/MVPZ	...if in ERA
Expand an existing barn	Minor Variance or Rezoning, Site Plan & Environmental Impact Study/evaluation	N/A
New farm implement shed	Minor Variance or Rezoning, Site Plan & Environmental Impact Study/evaluation	N/A
Planting of a fallow field	N/A	N/A
New house	Site Plan & Environmental Impact Study/evaluation	Possible Site Plan & Environmental Impact Study/evaluation



# Next Steps

- Review of comments on first draft zoning by-law.
- Additional subject specific discussions (e.g. MDS).
- Urban Area Phase research and analysis.
- Meetings with organizations and stakeholder groups.
- Preparation of a second draft zoning by-law for public comment (spring/summer 2020).



THANK  
YOU

[ZoneClarington@Clarington.net](mailto:ZoneClarington@Clarington.net)

Tracey Webster,  
Senior Planner  
T: 905-623-3379 ext. 2415

Amy Burke,  
Senior Planner  
T: 905-623-3379 ext. 2423

Carlo Pellarin,  
Manager of Development  
Review  
905-623-3379 ext. 2408

[www.clarington.net](http://www.clarington.net)