

August 16, 2023

Ministry of Municipal Affairs and Housing

777 Bay Street, 17th Floor

Toronto, Ontario M7A 2J3

**RE: ERO 019-7195
Comments on Durham Region Official Plan
4148 Regional Highway 2
Municipality of Clarington
TBG Project No. 21799**

The Biglieri Group Ltd. (“TBG”) represents Fourteen Estates, the owner of the lands municipally known 4148 Regional Highway 2 in the Municipality of Clarington (“Subject Site”).

The Subject Site fronts onto Regional Highway 2 and is approximately 39.2 hectares (**Figure 1**). It has a driveway access to Regional Highway 2, but no “true” frontage along the highway, however, it has approximately 400 metres of width parallel to the highway. Along Morgans Road the Subject Site is discontinuous, with a total depth of approximately 1,230 metres.

The Subject Site was used for aggregate resource extraction in the northwest and north central parts of the Subject Site under license from the Ministry of Natural Resources (“MNR”). The Subject Site was determined to be compliant with MNR rehabilitation requirements and the license was surrendered in 2006. The Subject Site was filled with approximately 24,000 cubic meters of fill in 2012. Since being filled the Subject Site has remained vacant.

DURHAM REGIONAL OFFICIAL PLAN

Durham Regional Council adopted a new Official Plan (“New Durham OP”) on May 17, 2023. The New Durham OP is now before the Minister of Municipal Affairs and Housing (“MMAH”) for a decision under the Planning Act. The Subject Site is designated as *Major Open Space Areas* on Map 1 – Urban Structure in the New Durham OP (**Figure 2**). The Subject Site is also within the *Regional Natural Heritage System* overlay as shown on Map 2a – Regional Natural Heritage System (**Figure 3**) and the *Provincial Natural Heritage System* overlay as shown on Map 2b – Provincial Oak Ridges Moraine Conservation Plan and Greenbelt Plan Land Use Designations (**Figure 4**).

TBG COMMENTARY AND RECOMMENDATIONS

We are supportive of the designation as *Major Open Space Areas*. As per Policy 7.1.15 of the New Durham OP, small-scale landscape industry uses are permitted within *Major Open Space Areas* and within the *Countryside Area*, outside of Oak Ridges Moraine Prime Agricultural Area. This would support the owner’s objective of developing a landscaping yard on the Subject Site.

We are not supportive of the decision to apply the Provincial Natural Heritage System overlay to the Subject Site as illustrated on Map 2b, nor Policy 7.4.2 that states "Permit refinements to the regional natural heritage system, outside of provincial natural heritage system areas, through the secondary planning process and/or approved planning applications, without an amendment to this Plan. Such refinements shall be supported by appropriate technical studies and must be in accordance with applicable provincial plans and the policies of this Plan." It is our professional opinion that a site-specific Environmental Impact Study ("EIS"), or related report regarding environmental constraints and mitigation measures, could be prepared to justify a proposed development for the Subject Site, that would appropriately delineate the limits of Provincially significant environmental features and provide for their protection.

Respectfully,

THE BIGLIERI GROUP LTD.



Mark Jacobs, MCIP, RPP
Senior Planner



Brayden Libawski, MSc.PI.
Senior Planner I

cc. Rick Rondeau, Fourteen Estates

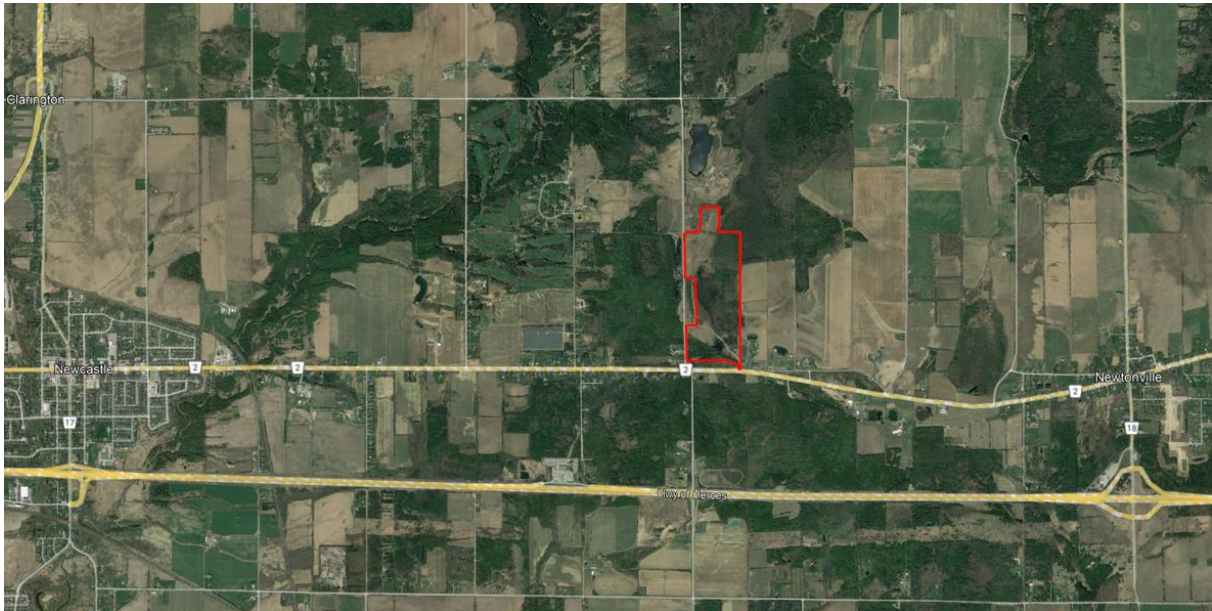


Figure 1: Aerial View of Subject Site
(Source: Municipality of Clarington, 2022)

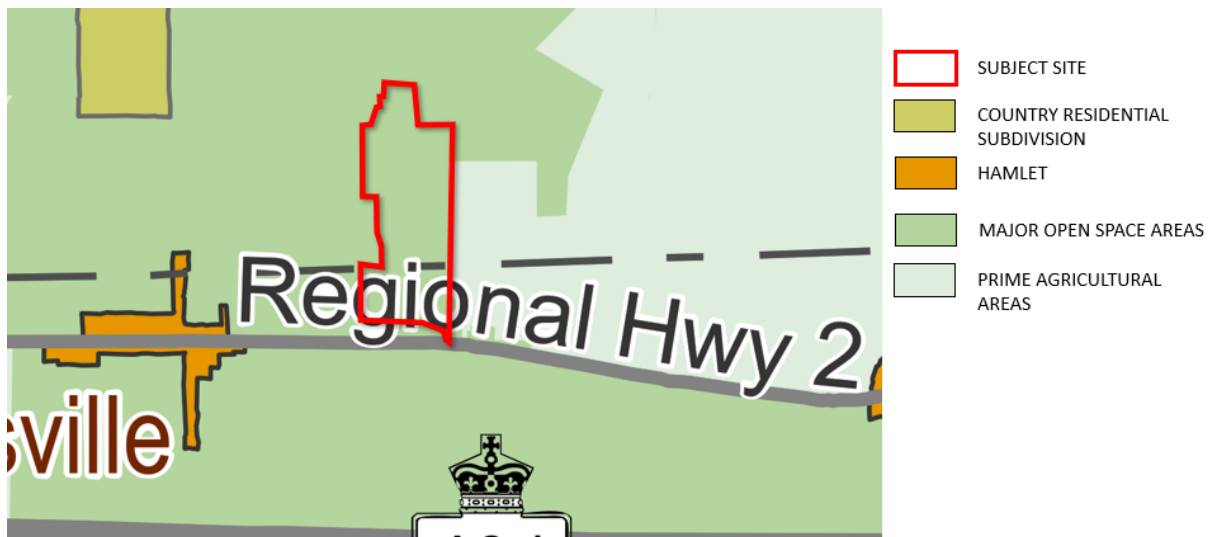


Figure 2: New Durham OP: Map 1 – Regional Structure
(Source: Durham Region, 2023)

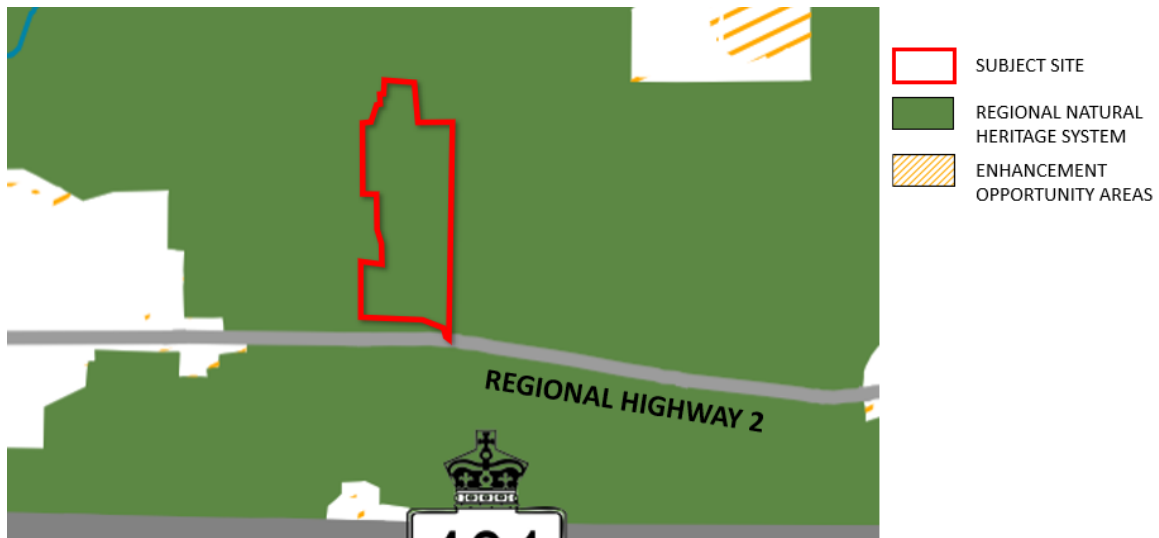


Figure 3: New Durham OP: Map 2a – Regional Natural Heritage System
(Source: Durham Region, 2023)

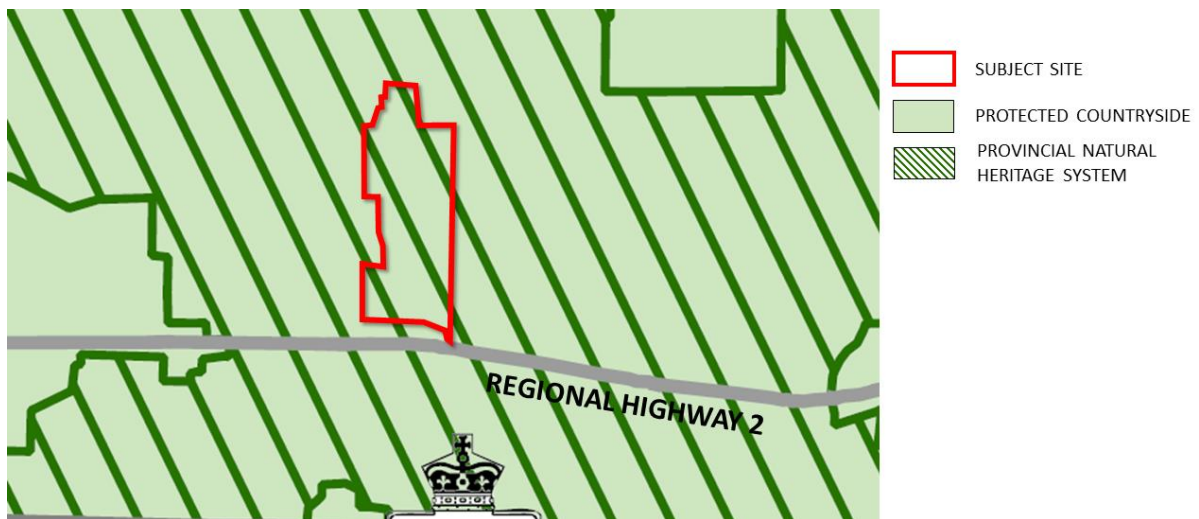


Figure 4: New Durham OP: Map 2b – Provincial Oak Ridges Moraine Conservation Plan and Greenbelt Plan Land Use Designations
(Source: Durham Region, 2023)