

Staff Report

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Report To:	Planning and Development Committee		
Date of Meeting:	October 22, 2019	Report Number:	PSD-045-19
Submitted By:	Faye Langmaid, Acting Director of Planning Services		
Reviewed By:	Andrew C. Allison, CAO	Resolution#:	
File Number:	COPA2019-0001 & ZBA2019-0011	By-law Number:	
Cross Reference:	ROPA2019-003		
Report Subject:	Applications by Werrcroft Farms Ltd. to amend the Clarington Official Plan and Zoning By-law 2005-109 to facilitate a surplus farm dwelling severance at 8800 Middle Road, Darlington		

Recommendation:

1. That Report PSD-045-19 be received;
2. That the Municipality of Clarington has no objections to the approval of ROPA 2019-003 to allow the severance of a non-abutting surplus dwelling;
3. That Amendment No. 118 to the Clarington Official Plan as contained in Attachment 1 of Report PSD-045-19 be adopted;
4. That the application to amend Zoning By-law 2005-109 be approved and the By-law contained in Attachment 2 of Report PSD-045-19 be passed;
5. That the Region of Durham Planning and Economic Development Committee and Municipal Property Assessment Corporation be forwarded a copy of Report PSD-045-19 and Council's decision; and
6. That all interested parties listed in Report PSD-045-19, and any delegations be advised of Council's decision.

Report Overview

Werrcroft Farms Ltd. has submitted applications to amend the Clarington Official Plan and Zoning By-law 2005-109. The applications are to facilitate a surplus farm dwelling severance at 8800 Middle Road in Darlington. The Official Plan amendment will permit the retained farm parcel to be less than 40 hectares. The Zoning By-law amendment will prohibit residential dwellings on the retained farm parcel. This report recommends that Council approve the Clarington Official Plan and Zoning By-law amendments as contained in Attachments 1 and 2 of this report and advise the Region of Durham Planning and Economic Development Department they have no objection to the approval of ROPA 2019-003.

1. Application Details

- 1.1. Owner/Applicant: Kevin Werry, Werrcroft Farms Ltd.
- 1.2. Agent: Bob Clark, Clark Consulting Services

1.3. Proposal

General

To facilitate a surplus farm dwelling severance at 8800 Middle Road. The retained farm parcel will be 21.73 hectares in size and will consolidate with non-abutting farmlands owned by Werrcroft Farms Ltd. The severed residential parcel will be 0.41 hectares in size.

Official Plan Amendment

To permit the retained farm parcel at 8800 Middle Road to be less than 40 hectares in size.

Rezoning

To rezone the retained farm parcel at 8800 Middle Road to prohibit residential dwellings on the lot.

- 1.4. Area: 22.14 hectares (54.7 acres)
- 1.5. Location: South-west corner of Regional Road 20 and Middle Road, Former Township of Darlington
- 1.6. Roll Number: 181701015008900
- 1.7. Within Built Boundary: No

2. Background

- 2.1. Werrcroft Farms Ltd. have submitted separate applications for different surplus farm dwelling severances. This Clarington Official Plan Amendment and Zoning By-law Amendment application (COPA2019-0001 and ZBA2019-0011) and the associated Regional Official Plan Amendment (ROPA2019-003) pertain to the lands addressed 8800 Middle Road. Separate applications have been submitted for the lands addressed 1785 Concession Road 7 and 6115 & 6171 Vannest Road (ROPA2019-006 and ZBA2019-013).

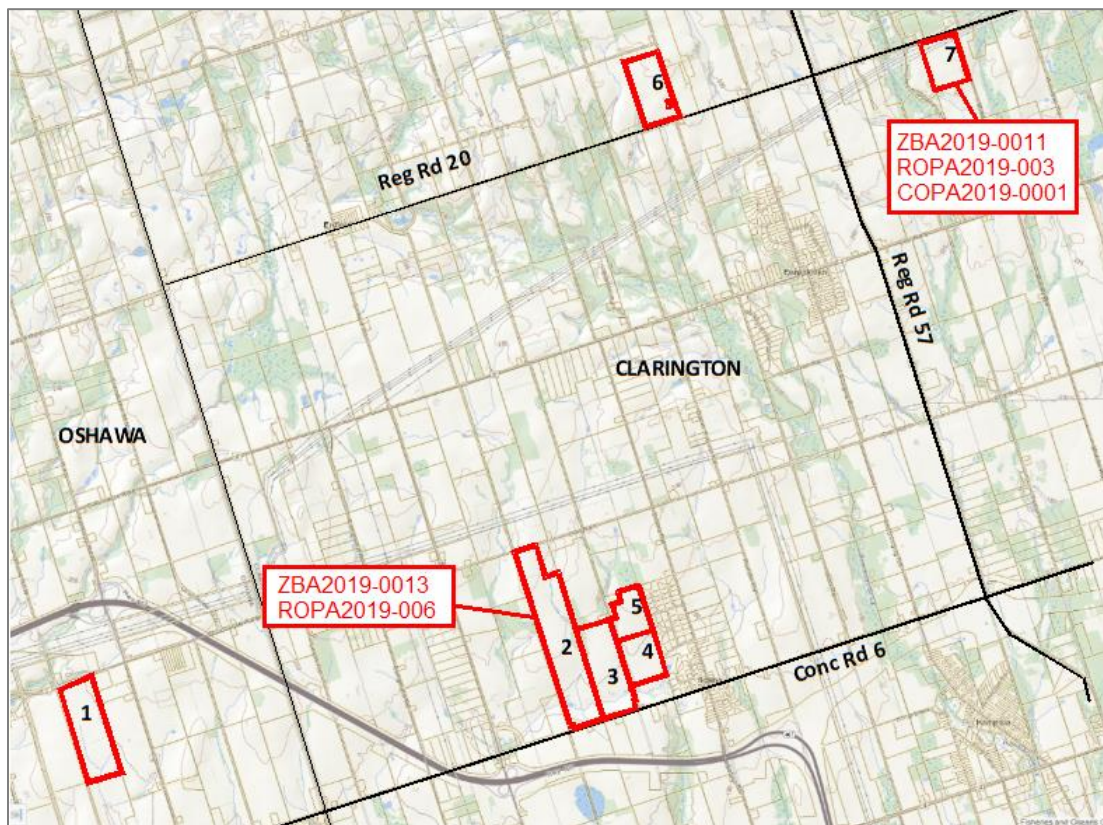


Figure 1: Werrcroft Farms Ltd. holdings (subject property identified as #7).

- 2.2. Should these applications and the Regional Official Plan Amendment be approved, a future land division application for 8800 Middle Road will be submitted to the Durham Region Land Division Committee to permit the severance of a surplus farm dwelling as a result of the consolidation of non-abutting farm parcels (see Figure 2).
- 2.3. The Regional Official Plan Amendment is required to permit the severance of a farm dwelling rendered surplus as a result of a farmer acquiring a non-abutting farm and wishing to sever the surplus dwelling lot. The Region of Durham's Planning & Economic Development Committee held a public meeting to inform the public of this application on September 3, 2019.

- 2.4. As part of a surplus farm dwelling severance, the Clarington Official Plan requires the retained farm parcel to be a minimum of 40 hectares. An Official Plan Amendment was submitted to permit the retained farm parcel with an area of 21.73 hectares. The retained parcel will consolidate with non-abutting farmlands owned by Werrcroft Farms Ltd. A Zoning By-law Amendment is required to prohibit the establishment of a future residential use on the retained farm parcel, in compliance with Provincial, Regional, and Local policies.

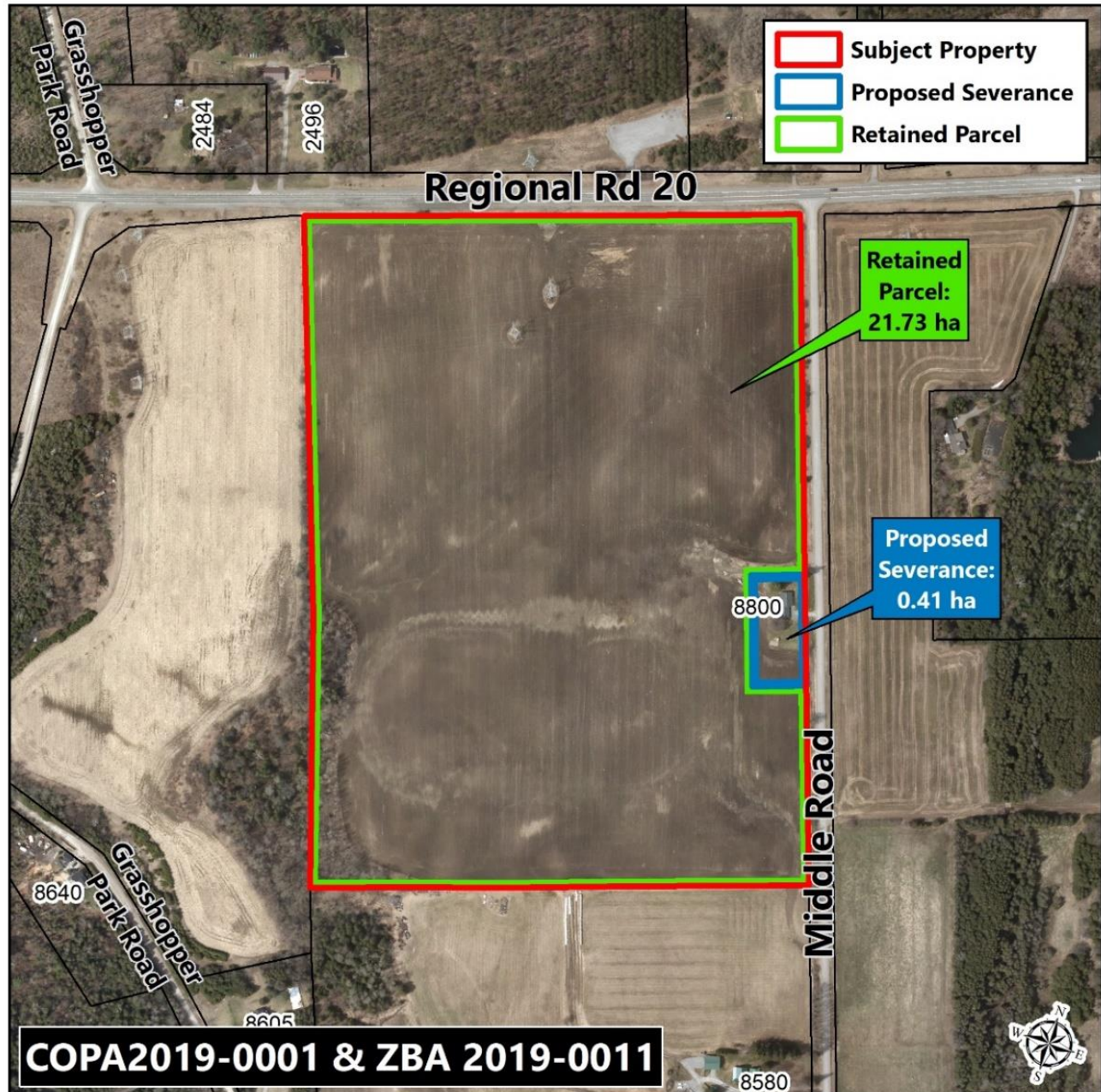


Figure 2: Proposed retained and severed parcels

2.5. The applicant has submitted the following studies in support of the applications:

- Planning Justification Report and Minimum Distance Separation Review; and
- Phase I Environmental Site Assessment.

3. Land Characteristics and Surrounding Uses

3.1. The subject lands are 22.14 hectares (54.7 acres) with an existing single detached dwelling on the east side of the property, fronting onto Middle Road. There is a wooded area located in the south-west corner of the property and a hydro corridor running across the property in the north. The majority of the property is farmed for corn and feed grain crops that support the owner's dairy operation.

3.2. The surrounding uses are as follows:

North: Regional Road 20, hydro corridor, agricultural lands and woodlands;

South: Agricultural lands;

East: Middle Road, agricultural lands and woodlands; and

West: Agricultural lands and woodlands.



Figure 3: Surplus farm dwelling at 8800 Middle Road

4. Provincial Policy

Provincial Policy Statement

- 4.1. The Provincial Policy Statement (PPS) protects prime agricultural areas for long-term agricultural uses. The PPS permits lot creation in prime agricultural areas for the severance of a surplus farm dwelling as a result of farm consolidation.
- 4.2. The proposal is consistent with the Provincial Policy Statement.

Greenbelt Plan

- 4.3. The policies of the Greenbelt Plan are intended to protect prime agricultural areas for long-term agricultural uses. Within the Oak Ridges Moraine Area of the Greenbelt, lot creation is permitted in the Countryside Area for the severance of a surplus farm dwelling as a result of farm consolidation, provided that the surplus dwelling area is limited in size and no new residential dwellings are constructed on the retained parcel of farmland.
- 4.4. The proposal is consistent with the Greenbelt Plan.

5. Official Plans

Durham Region Official Plan

- 5.1. The Durham Region Official Plan designates the property “Countryside Area” and “Prime Agricultural Area” within the Oak Ridges Moraine Area designation. The consent policies of the Plan state that the severance of a farm dwelling rendered surplus as a result of the consolidation of non-abutting farms is permitted through amendment to the Plan, and provided that the surplus dwelling area is limited in size and the retained farm parcel be rezoned to prohibit the establishment of a residential dwelling.
- 5.2. The applicant has submitted an application for an amendment to the Durham Region Official Plan. The Region of Durham’s Planning & Economic Development Committee held a public meeting to inform the public of this application on September 3, 2019. A presentation was made outlining the details of the report. No one in attendance made a submission or asked any questions.

Clarington Official Plan

- 5.3. The Clarington Official Plan designates the property as “Prime Agriculture Area” and “Environmental Protection Area”. The severance of a farm dwelling rendered surplus as a result of the consolidation of non-abutting farms is permitted, provided that the farm is a minimum of 40 hectares, the surplus dwelling lot is less than 0.6 hectares and the retained farm parcel be rezoned to prohibit the establishment of any new residential uses.

- 5.4. The retained farm parcel will be 21.73 hectares in size and the surplus dwelling lot will be 0.41 hectares. The applicant has submitted an application for an amendment to the Clarington Official Plan to permit the farm parcel to be 21.73 hectares, as opposed to the minimum required 40 hectares.

6. Zoning By-law

- 6.1. Zoning By-law 2005-109 zones the subject lands “Prime Agriculture (A) Zone” and “Environmental Protection (EP) Zone” with a Minimum Area of Influence. The proposed Zoning By-law Amendment would rezone the agriculturally zoned portion of the retained farm parcel to prohibit any residential uses and will fulfil the requirements of Provincial policy and Durham Region and Clarington Official Plan policies.

7. Summary of Background Studies

- 7.1. A Planning Justification report prepared by Clark Consulting was submitted in support of this application. The report concludes that the application to sever a surplus farm dwelling meets the objectives and requirements of the Provincial Policy Statement, Region of Durham Official Plan policies and the intent of the Clarington Official Plan policies. As part of the report a map identifying the other farm parcels owned by Werrcroft Farms Ltd. was provided. A total of eight land holdings, including the subject lands, make up the Werrcroft Farms Ltd. operation (see Figure 4).
- 7.2. The report also addresses the Minimum Distance Separation formulae. The report concludes that the application meets the policies of the Minimum Distance Separation formulae.
- 7.3. A Phase I Environmental Site Assessment was also submitted. The report concluded that a Phase II review is not required.

8. Public Notice

- 8.1. Public notice was mailed to each landowner within 300 metres of the subject lands on August 15, 2019 and Public Meeting signs were installed fronting onto Regional Road 20 and Middle Road on August 19, 2019. A notice of this recommendation report scheduled for the Planning and Development Committee Meeting on October 22, 2019 was mailed to the interested parties on September 23, 2019.
- 8.2. Staff received one call from a real estate agent who is interested in the surplus dwelling that has been listed for sale.

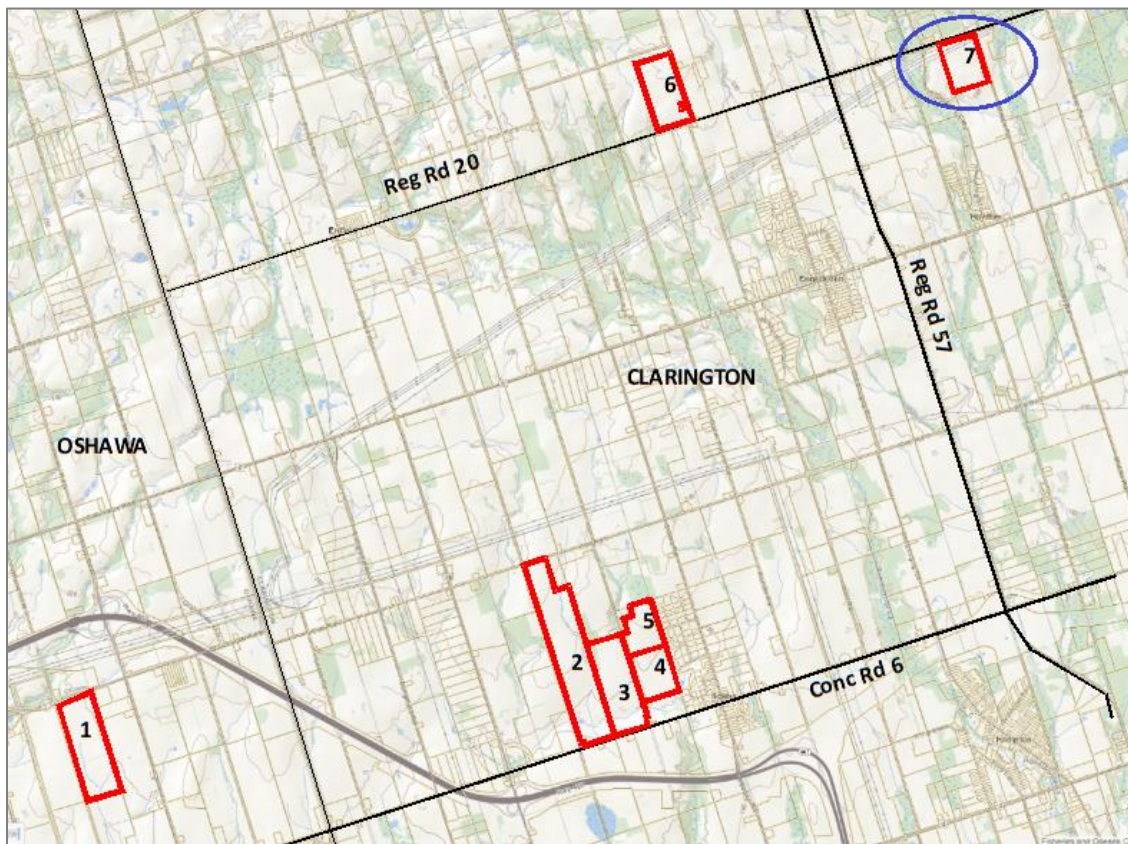


Figure 4: Location of farm parcels owned by Werrcroft Farms Ltd.

9. Agency Comments

Durham Region

- 9.1. Durham Region Planning, Works Department and Health Department have no objections to the applications.

Central Lake Ontario Conservation Authority

- 9.2. Central Lake Ontario Conservation Authority have no objection to the applications.

Other Agencies

- 9.3. Hydro One have no objections to the applications.

10. Departmental Comments

- 10.1. The Clarington Building Division, Engineering Services Department and Emergency and Fire Services Department have no objections to the applications.

11. Discussion

- 11.1. The Provincial Policy Statement encourages the long-term viability of agricultural areas and limits the opportunities to create new parcels in the rural area. Severances of surplus farm dwellings are permitted by the Province, as it is recognized that farmers may not be interested in acting as landlords when acquiring additional farmland. The Durham Region and Clarington Official Plans allow farm consolidation when possible to ensure long-term viability of agricultural operations. The Plans set out regulations for the severance of a surplus farm dwelling as a result of farm consolidation. The Zoning By-law will only come into effect once both the Regional and Local Official Plan Documents have been approved.
- 11.2. The Clarington Official Plan policies require that when a surplus dwelling is severed from a farm parcel that is non-abutting, the farm parcel must have a minimum lot area of 40 hectares. The purpose of this policy is to ensure that the lands are viable for a farm operation upon severing. This application proposes an amendment to the Clarington Official Plan to permit the retained farm parcel to be 21.73 hectares. In this case, the existing lot is considered smaller than a typical agriculture parcel, as it is only 22.14 hectares. Werrcroft Farms Ltd. have been farming this property for over 50 years. The operation of this farm and the seven other land holdings support the overall operation of the owner's dairy farm.
- 11.3. The proposed severance does not alter the existing land use of the retained farm parcel. The land has been used for farming operations prior to the severance and will continue to be used for agricultural purposes by the same owner. It is staff's opinion that the retained lands will be a viable farm parcel as part of Werrcroft Farms Ltd. holdings and meets the intent of the Official Plan policies.
- 11.4. When a surplus farm dwelling is severed, the Regional and Clarington Official Plans in conformity with the Provincial Policy Statement require the retained farm parcel to be rezoned to prohibit the establishment of a new residential dwelling on the lot. The proposed zone for the retained portion of the lot, with the exception of the "Environmental Protection (EP)" area, is "Prime Agricultural Exception (A-1) Zone". This zone only permits the non-residential uses set out in the regulations of the "Prime Agriculture (A) Zone". This will prohibit future residential uses from being established.
- 11.5. There have been no objections to this application from any circulated agencies or the public to date.

12. Conclusion

It is respectfully recommended that Council approve the applications to amend the Clarington Official Plan (see Attachment 1) and Zoning By-law 2005-109 (see Attachment 2) and advise the Region of Durham the Municipality of Clarington has no objection to approval of ROPA 2019-003.

Staff Contact: Isabel Lima, Planner I, (905) 623-3379 ext. 2428 or ILima@clarington.net

Attachments:

Attachment 1 – Official Plan Amendment

Attachment 2 – Zoning By-law Amendment

Interested Parties:

A list of interested parties to be notified of Council's decision is:

Werrcroft Farms Ltd.

Bob Clark

Marlene Boyle