



Staff Report

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Report To:	Planning and Development Committee		
Date of Meeting:	October 22, 2019	Report Number:	PSD-044-19
Submitted By:	Faye Langmaid, Acting Director of Planning Services		
Reviewed By:	Andrew C. Allison, CAO	Resolution#:	
File Number:	ZBA2019-0013		
Cross Reference:	ROPA2019-006	By-law Number:	
Report Subject:	Public Meeting - Application by Werrcroft Farms to amend Zoning By-law 84-63 and Zoning By-law 2005-109 to facilitate a surplus farm dwelling severance, 6115 & 6171 Vannest Road,		

Recommendations:

1. That Report PSD-044-19 be received;
2. That the application to amend Zoning By-laws 84-63 and 2005-109 continue to be processed and that a subsequent report be prepared;
3. That all interested parties listed in Report PSD-044-19 and any delegations be advised of Council's decision.

Report Overview

The Municipality is seeking the public's input on Werrcroft Farms' applications to amend Zoning By-law 84-63 and Zoning By-law 2005-109 to facilitate the severance of a dwelling rendered surplus as a result of a non-abutting farm consolidation.

The land to be severed is a 0.43 hectare parcel at 1785 Concession Rd. 7 and would remain zoned Agricultural (A) in Zoning By-law 2005-109.

The land to be retained is a 76.8 hectare parcel at 6115 & 6171 Vannest Road and is currently zoned by both Zoning By-law 84-63 and Zoning By-law 2005-109. The application proposes zoning by-law amendments to both Zoning By-laws to prohibit further residential development.

1. Application Details

- | | |
|-----------------------------|---|
| 1.1. Owner/Applicant: | Werrcroft Farms |
| 1.2. Agent: | Hugh Stewart – Clark Consulting Services |
| 1.3. Proposal: | To rezone the retained farm parcel to prohibit future residential development |
| 1.4. Area: | 76.8 hectares |
| 1.5. Location: | 6115 & 6171 Vannest Road, Part Lot 28 Concession 6, Former Township of Darlington |
| 1.6. Roll number: | 1817-010-130-28900 |
| 1.7. Within Built Boundary: | No |

2. Background

- 2.1. Werrcroft Farms have submitted separate applications for different surplus farm dwelling severances. This Zoning By-law Amendment application (ZBA2019-0013) and the associated Regional Official Plan Amendment (ROPA2019-006) pertains to lands addressed 1785 Concession Rd 7, and 6115 & 6171 Vannest Road. Separate applications have been submitted for lands addressed 8800 Middle Road (COPA2019-0001, ROPA2019-003, and ZBA2019-011). See Figure 1.

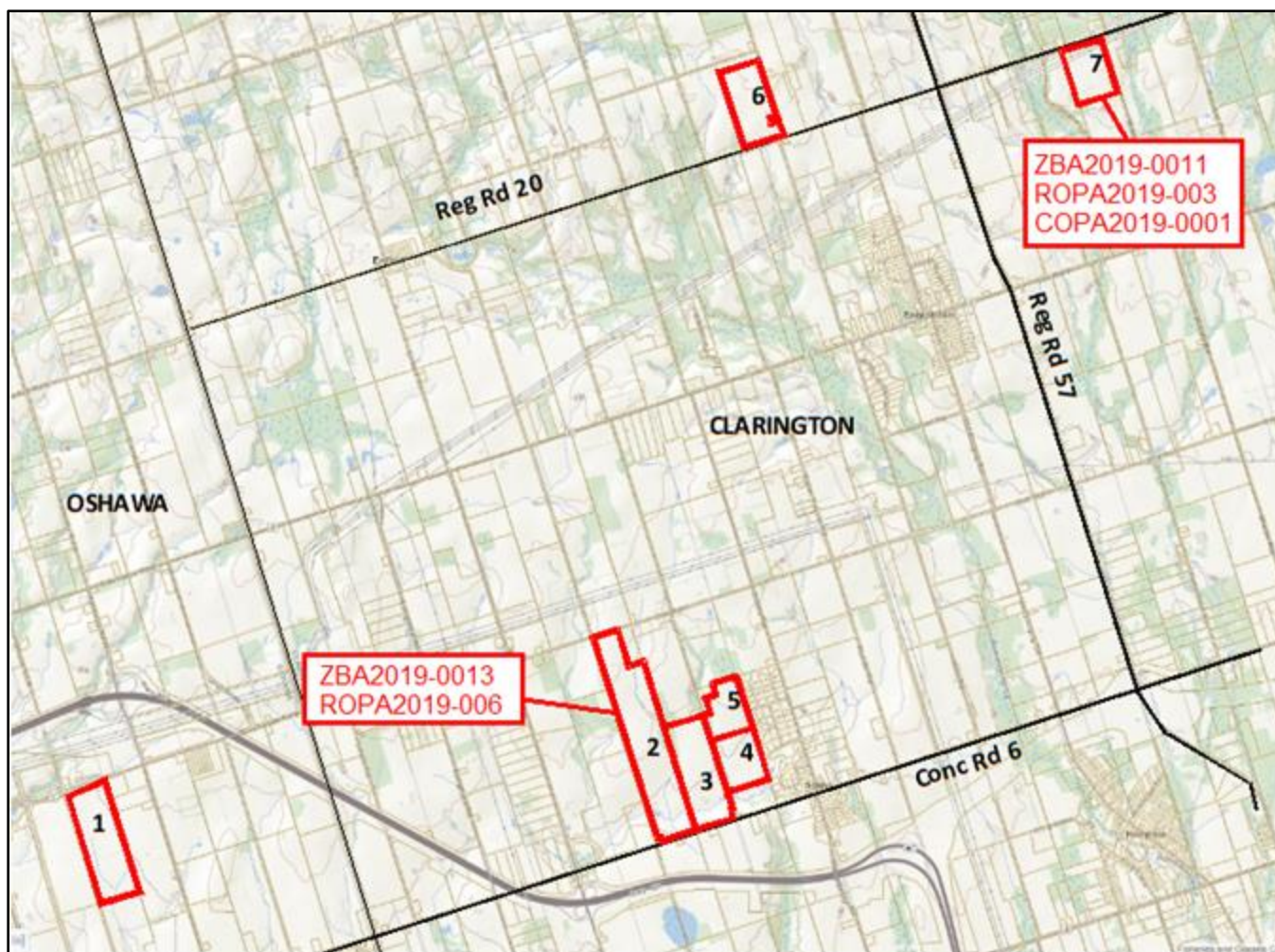


Figure 1: Werrcroft Properties. Subject property of this report (ZBA2019-0013) identified as #2

- 2.2. On August 14, 2019, Clark Consulting Services submitted an application on behalf of Werrcroft Farms for Zoning By-law Amendments to facilitate the severance of a farm dwelling rendered surplus due to the consolidation of non-abutting farm parcels. These Zoning By-law Amendments would prohibit the establishment of new residential uses or dwellings on the retained lands.
- 2.3. A Regional Official Plan Amendment is required to sever a farm dwelling rendered surplus due to the consolidation of non-abutting farm parcels. On August 14, 2019, Clark Consulting Services, on behalf of Werrcroft Farms Ltd., submitted an application to amend the Durham Region Official Plan (ROPA2019-006) to permit the severance of a dwelling at 1785 Concession Rd 7 rendered surplus as a result of the consolidation of non-abutting farm parcels. See Figure 2. If approved, and no appeals are received, the applicant will then submit a Land Division application to the Region. As a condition of

approval of these applications, the retained parcel must be rezoned to prohibit further residential development or severances.

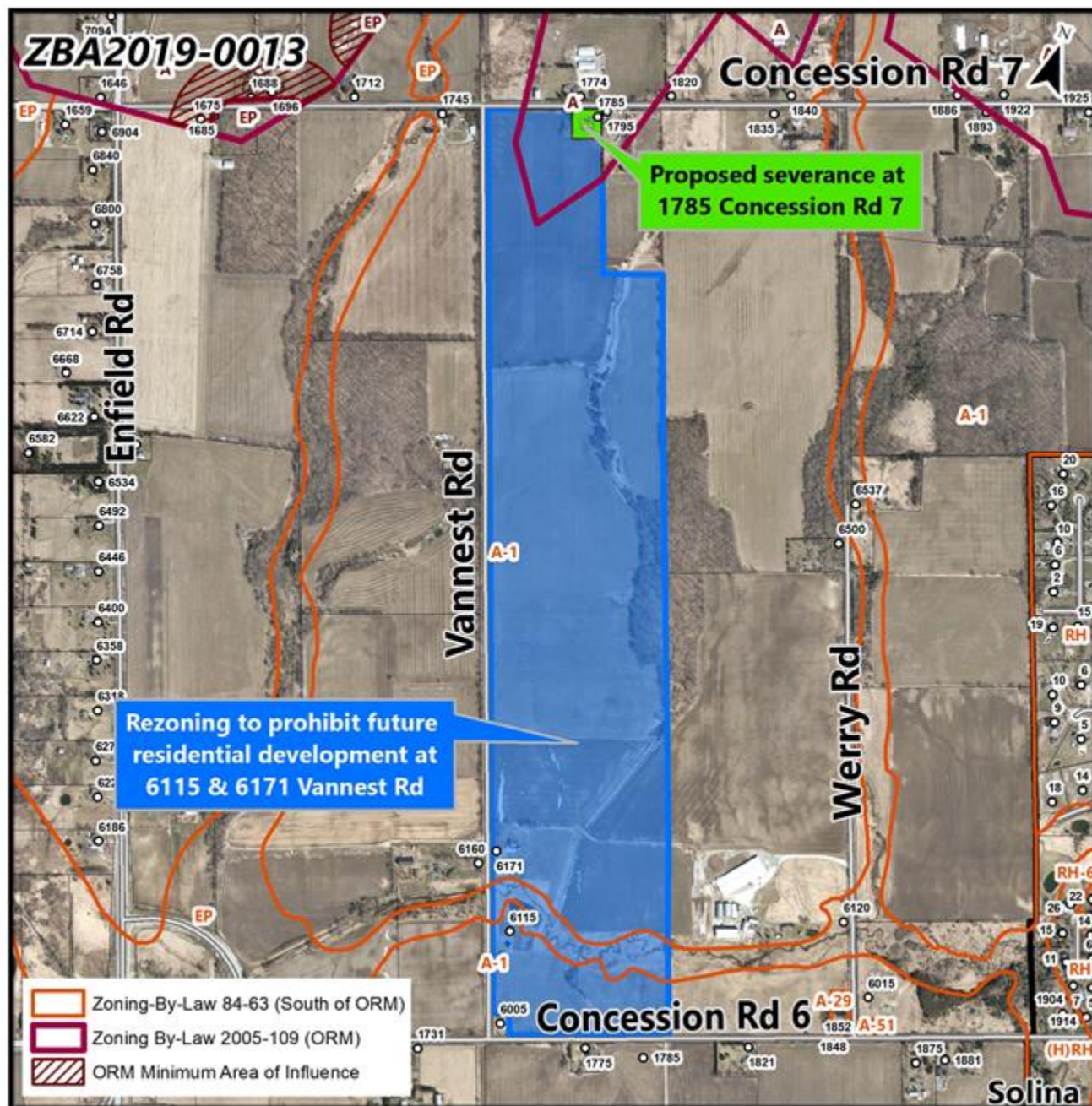


Figure 2: Map showing land to be severed and retained

Non-abutting Farm Parcels

- 2.4. According to Planners at the Region of Durham, the application was accepted as non-abutting consolidation since the applicant only intends to consolidate the retained farm parcel with their existing land holdings (see Figure 1) and do not intend to merge this parcel with their abutting lands which are all owned by Werrcroft Farms, but share different names on title. Currently, the Regional Official Plan does not address ownership to the degree which requires a farmer to consolidate abutting farm parcels. Regional Planning staff advised this matter will be further examined as part of the Region's on-going Municipal Comprehensive Review process.

Merging of Properties

- 2.5. The 0.43 hectare lot to be severed is part of a previous farm parcel of approximately 10 hectares and addressed 1785 Concession Rd 7. Werrcroft Farms owned the lands immediately to the south (addressed 6115 & 6171 Vannest Road) and purchased the 10 hectare parcel on September 22, 2016 (see Figure 2). They inadvertently registered the two properties in the same name, so they merged on title. At the time of the merging of 1785 Concession Rd 7 had a house on it, and 6115 & 6171 Vannest Road had the original farm house and a building permit had been issued for a second dwelling for farm help.

Multiple Dwellings on One Parcel

- 2.6. On June 2, 2016, almost four months prior to the inadvertent merging of parcels, a building permit (BP16.0563) was issued to move a heritage house from Oshawa to 6115 Vannest Road (see Figure 2). This heritage house was on one of the Werrcroft Farms properties that was sold and identified to be demolished (to make way for the 407). This heritage house would have been a second dwelling on the farm parcel as it already had a mid-1800 farm house at 6171 Vannest Road. At the time of building permit issuance, the second dwelling was permitted for farm worker accommodations.
- 2.7. Though the building permit to move the heritage house was issued in June 2016, the house was moved after the inadvertent merging of properties in September 2016. This created a situation with three detached dwellings on one parcel.
- 2.8. The Planning Justification Report has brought to staff's attention the existence of two dwelling units in the original farm house at 6171 Vannest Road. The principle unit is for the applicant's daughter who is active in the farm operation, and the secondary unit is identified for a tenant who has no interest in the farm. Zoning By-law 84-63 allows a converted dwelling containing not more than 2 dwelling units and occupied by employees on the same lot or members of the owner's immediate household. The municipality has no record of when the original farm house was converted into two dwelling units.

3. Land Characteristics and Surrounding Uses

- 3.1. The parcel to be severed is approximately 0.43 hectares addressed 1787 Concession Rd 7, and has a single detached dwelling, a detached garage, and a shed. The parcel to be retained is approximately 76.8 hectares and is addressed 6115 & 6171 Vannest. The farm is an active dairy farm that also grows soy beans and corn.
- 3.2. The surrounding uses in all directions are agricultural and rural residential.

4. Provincial Policy

Provincial Policy Statement

- 4.1. The Provincial Policy Statement (PPS) protects prime agricultural areas for long-term agricultural uses. The PPS also permits lot creation for the severance of surplus farm dwellings that result from farm consolidation, provided that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.
- 4.2. The proposal is consistent with the Provincial Policy Statement.

Greenbelt Plan

- 4.3. The Greenbelt Plan protects prime agricultural areas for long-term agricultural uses. Within the Protected Countryside, surplus farm dwelling severances are permitted provided the following:
 - The dwelling was in existence prior to December 16, 2004;
 - The surplus dwelling area is limited in size; and
 - That no new dwellings are permitted on the severed farm lands.
- 4.4. The proposed lot size conforms with the Ministry of the Environment, Conservation and Parks and the Region of Durham Health Department policies regarding minimum lot size requirements.
- 4.5. 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 “Prime Agricultural Area.” Section 9A.2.10 grants the severance of a farm dwelling rendered surplus as a result of a non-abutting farm consolidation by amendment to the Regional Official Plan. The applicant has applied for a Regional Official Plan Amendment.

Clarington Official Plan

- 5.2. The Clarington Official Plan designates the land to be severed “Prime Agricultural.” The retained lands are designated “Prime Agricultural” and “Environmental Protection.” The severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farms is permitted without amendment to the Clarington Official Plan.
- 5.3. The proposal is consistent with the Clarington Official Plan.

6. Zoning By-law

- 6.1. The property is split between two different Zoning By-laws: Zoning By-law 2005-109, which covers the lands within the Oak Ridges Moraine; and Zoning By-law 84-63, which covers the lands outside of the Moraine.
- 6.2. The parcel to be severed is entirely within the Oak Ridges Moraine and zoned Agricultural (A) in Zoning By-law 2005-109. The retained parcel is zoned by both Zoning By-law 84-63 and Zoning By-law 2005-109. This means that both Zoning By-laws will need to be amended to prohibit future residential development.

7. Summary of Background Studies

Planning Justification Report

- 7.1. A report prepared by Clark Consulting was submitted in support of the application. The report concludes that the applications to support the surplus farm dwelling severance meets the objectives and requirements of the Provincial Policy, Region of Durham Official Plan policies and Clarington Official Plan policies.
- 7.2. The report also concludes the proposal meets the policies of the Minimum Distance Separation formulae.

Phase One Environmental Site Assessment Report

- 7.3. A Phase One Environmental Site Assessment Report was prepared by GHD Limited. It finds that the lands to be severed have a low risk of environmental concern and no further environmental evaluation is warranted.

8. Public Notice and Submissions

- 8.1. Public notice was mailed to each landowner within 300 metres of the subject lands on September 19, 2019. A revised notice was mailed on October 1, 2019 to advise that the date of the meeting was changed to October 22, 2019.
- 8.2. On September 27, 2019 public meeting signs were installed on the property, fronting onto Concession Road 6, Concession Road 7, and Vannest Road. On October 3, 2019 these signs were updated to reflect the change from October 21, 2019 to October 22, 2019. As of the writing of this report no enquiries have been received.

9. Agency Comments

- 9.1. The application was circulated to the Durham Planning and Durham Health Department. Neither department has concerns with the application. The Central Lake Ontario Conservation Authority was also circulated, but for informational purposes only.

10. Departmental Comments

- 10.1. The application was circulated to the Clarington Engineering and the Clarington Operations Departments. Neither department has concerns with the application.

11. Discussion

Policy on Surplus Farm Dwelling Severances

- 11.1. The Provincial Policy Statement (PPS) encourages the long term viability of agricultural areas and limits opportunities to create new parcels in rural and agricultural areas. The PPS encourages farm consolidations and recognizes that farmers may not want to be landlords when acquiring additional lands. The PPS permits severances of dwelling lots rendered surplus as the result of farm consolidation. When a surplus farm dwelling is severed the PPS requires that no new residential dwellings are permitted on the retained lands.

- 11.2. Following this policy direction, the Durham Regional Official Plan encourages farm consolidation where possible and provides the regulations for surplus farm dwelling severances. The severance of a farm dwelling rendered surplus due to the consolidation of non-abutting farm parcels may be permitted but requires an amendment to the Official Plan. One of the conditions of approval is that the retained lands be zoned to prohibit residential development. The Regional Official Plan also stipulates that no further severances shall be permitted from the retained lands.
- 11.3. The applicant has submitted a Regional Official Plan Amendment (ROPA-2019-006) to allow for a surplus dwelling as a result of a non-abutting farm consolidation. Should this Amendment be approved, and the subsequent Land Division application be approved, a Zoning By-law Amendment is required to prohibit any new residential uses on the farm parcel.
- 11.4. The Clarington Official Plan also encourages farm consolidation and may permit the severance of surplus farm dwellings without an amendment to the Official Plan, subject to criteria similar to those in the Regional Official Plan. The retained farm parcel must be zoned to prohibit further severances or the establishment of a residential dwelling. The Clarington Official Plan requires the resulting farm parcel be a minimum of 40 hectares.

Zoning

- 11.5. The 0.43 hectare parcel to be severed is entirely zoned Agricultural (A) within Zoning By-law 2005-109. Following the provision in section 4.9.3 of the By-law, this parcel does not require a rezoning.
- 11.6. The 76.8 hectare retained farm parcel has differently zoned areas. A portion to the north is zoned Agricultural (A) in the Oak Ridges Moraine Zoning By-law 2005-109. An east-west band near the southern part of the property is zoned Environmental Protection (EP) in Zoning By-law 84-63. The remainder is zoned Agricultural (A-1) in Zoning By-law 84-63.
- 11.7. The application for Zoning By-law Amendment would prohibit any future residential development on the retained farm parcel fulfilling the requirements of Provincial Policy, the Durham Region Official Plan, and Clarington's Official Plan.

12. Concurrence

Not Applicable.

13. Conclusion

The purpose of this report is to provide background information on the development applications submitted by Werrcroft Farms for the Public Meeting under the *Planning Act*. Staff will continue processing the application including the preparation of a subsequent report upon resolution of the identified issues.

Staff Contact: Mark Jull, Planner I, 905-623-3379 ext. 2426 or mjull@clarington.net.

Interested Parties:

The following interested parties will be notified of Council's decision:

Werrcroft Farms Ltd.
Bob Clark