



Public Meeting Report

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Report To:	Planning and Development Committee	
Date of Meeting:	September 16, 2024	Report Number: PDS-035-24
Submitted By:	Carlos Salazar, Deputy CAO, Planning and Infrastructure Services	
Reviewed By:	Mary-Anne Dempster, CAO	Resolution#:
File Number:	ZBA2024-0007	By-law Number:
Report Subject:	Zoning By-law Amendment application to facilitate the severance of a surplus farm dwelling on Concession Road 6 in Darlington.	

Recommendations:

1. That Report PDS-035-24 and any related communication items, be received;
2. That the By-law to amend Zoning By-law 84-63 attached to Report PDS-035-24, as Attachment 1, be approved;
3. That all interested parties listed in Report PDS-035-24, and any delegations, be advised of Council's decision.

Report Overview

Bethesda Ridge Farms has submitted an application for a Minor Zoning By-law Amendment to facilitate the severance of a surplus farm dwelling at 2774 Concession Road 6 in Darlington to accommodate a farm consolidation with non-abutting farmlands. Provisional approval of the consent application was granted by the Municipality of Clarington's Committee of Adjustment on July 25th, 2024, and one of the conditions was the Zoning By-law Amendment. The Minor Zoning By-law Amendment would prohibit future residential development on the retained parcel, prohibit the housing of livestock in the existing farm buildings as required by the Minimum Distance Separation (MDS) formulae and legalize the heights and total accessory floor area of three existing accessory structures on the proposed farm surplus dwelling lot.

Should there be no significant concerns from the public, Staff recommend that the zoning by-law amendment be approved.

1. Application Details

1.1 Owner/Applicant: Stan and Mary Ann Found on behalf of Bethesda Ridge Farms

1.2 Agent: Bob Clark on behalf of Clark Consulting Services

1.3 Proposal: **General**

To facilitate the severance of a surplus farm dwelling at 2774 Concession Road 6 in Darlington. The retained farm parcel would consolidate with non-abutting farmlands owned by Bethesda Ridge Farms.

Zoning By-law Amendment

To prohibit future residential development on the retained farm parcel, prohibit the housing of livestock in the existing farm buildings as required by the Minimum Distance Separation (MDS) formulae and legalize the maximum total floor area and height of three existing accessory structures on the proposed farm surplus dwelling lot.

1.4 Area of Existing Lot: 53.796 hectares

1.5 Location: 2774 Concession Road 6, Darlington (See **Figure 1**)

1.6 Roll Number: 181701011006100

1.7 Within the Built Boundary: No

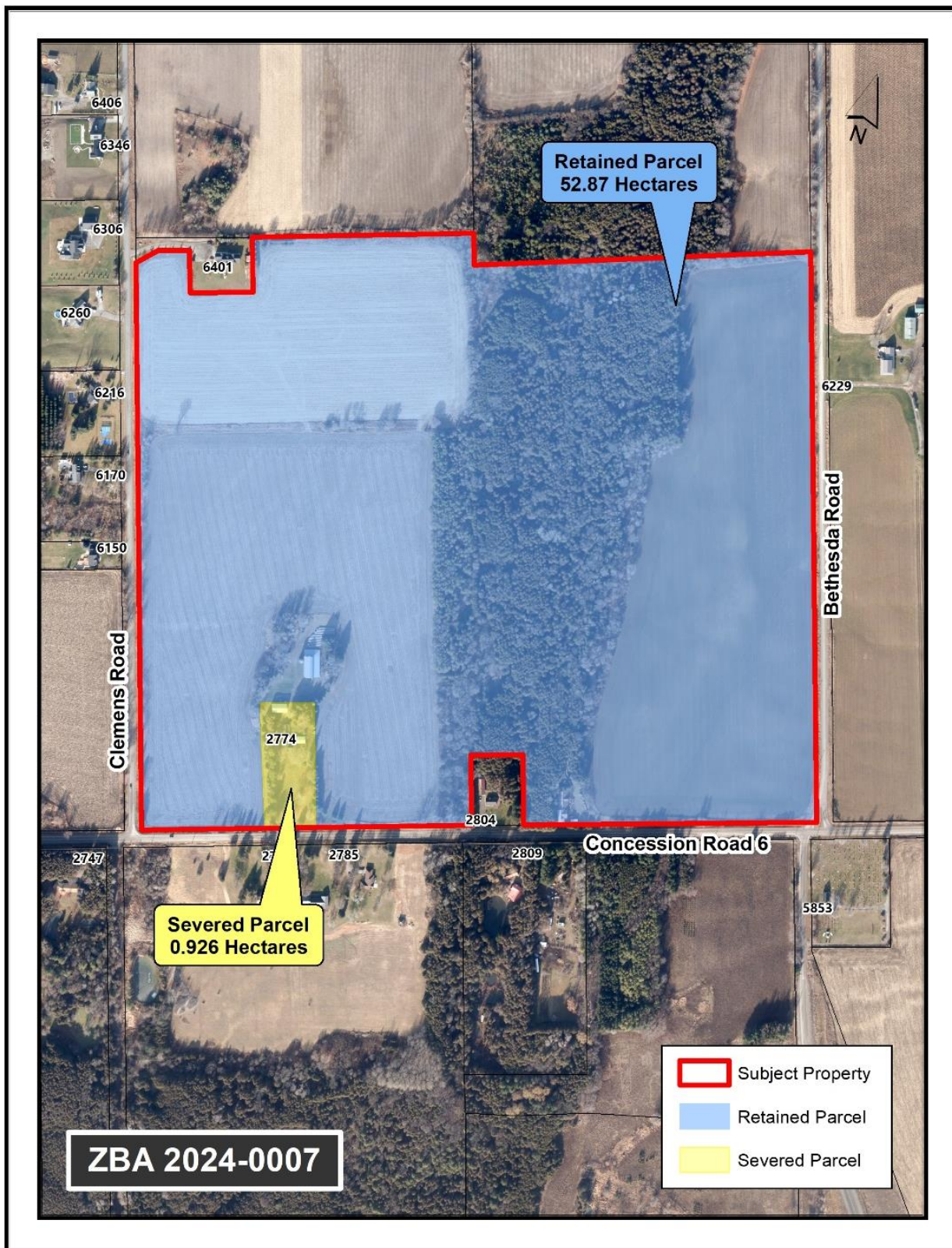


Figure 1: Proposed Severed and Retained Parcels.

2. Background

- 2.1 Bethesda Ridge Farms operates a sheep farm and produces cash crops. The applicant owns a total of three (3) agricultural properties with a total area of 217 hectares (536 acres) in the Municipality of Clarington (see Figure 2). The applicant's home farm is located at the property 6229 Bethesda Road.
- 2.2 On March 31, 2022, the applicant purchased the subject farm property to expand agricultural production. The existing dwelling located on the property is not required by a farm employee and is surplus to the farm operation.
- 2.3 Section 6.3.g) of Zoning By-law 84-63 requires lots created in the "Agriculture (A)" and its exception zones to be created in accordance with the provisions of the Durham Regional Official Plan. In saying that, the severance of a dwelling rendered surplus as a result of a non-abutting farm consolidation is permitted by amendment to the Regional Official Plan. On April 23, 2024, Amendment #197 to the Durham Regional Official Plan (associated file: ROPA2023-001), by By-law 2024-008 was final and binding, and the decision final and in full force from Regional Council. The purpose of this Amendment was to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels on lands designated as Prime Agricultural Areas.
- 2.4 On June 24, 2024, Planning Staff received a Consent Application from the owner of 2774 Concession Road 6, Darlington. The proposed consent application seeks to create a new lot by severing a dwelling rendered surplus to a farming operation because of the consolidation of non-abutting farm parcels. The proposed farm surplus dwelling parcel will be 0.926 hectares, and the proposed retained parcel will be 52.87 hectares.
- 2.5 Previous consent applications on the subject lands include LD90/012 and LD2004/131. LD90/012 resulted in the lot creation of 2804 Concession Road 6, with the lot being severed on November 25th, 1993. LD2004/131 resulted in the conveyance of a retirement lot at 6401 Clemens Road, which was severed on October 19, 2004.
- 2.6 On July 25th, 2024, the Municipality of Clarington's Committee of Adjustment gave provisional approval to consent application B-2024-0019. One of the conditions of approval included obtaining approval from municipal council on a successful Zoning By-law Amendment. In addition, Staff supports recommendations of the Heritage Impact Assessment (HIA), dated June 7, 2024, that was submitted by Andrea Gummo & Alex Rowse-Thompson Heritage Studio. As a condition of consent application B-2024-0019, the agent/owner is required to initiate the heritage designation process to designate the property under Section 29 of the *Ontario Heritage Act*.

- 2.7 Moreover, on June 24, 2024, Planning Staff also received a Minor Zoning By-law Amendment application (File # ZBA2024-0007) which seeks to prohibit future residential uses on the retained lands and to legalize any zoning deficiencies identified by Staff for the existing built form. The Zoning By-law Amendment that is required as a condition of consent application B-2024-0019 will prohibit the housing of livestock in the existing farm buildings constructed before 2024 as required by the Minimum Distance Separation (MDS) formulae, will prohibit the establishment of a residential use on the retained parcel and legalize any existing built form zoning deficiencies on the severed lot.
- 2.8 The subject property is identified as Primary on the Clarington Cultural Heritage Recourse List. In discussions with the property owners, they have agreed to designate the existing house (circa 1852) under the Ontario Heritage Act and is actively working with Community Planning Staff to go through the heritage designation process.
- 2.9 The applicant has submitted the following reports in support of the applications:
- Planning Justification Report prepared by Clark Consulting; and
 - Site Screening Questionnaire (SSQ)/Phase One Environmental Site Assessment prepared by GHD, dated November 14, 2022.



Figure 2: Farms owned by Bethesda Ridge Farms (Stan and Mary Ann Found) in the Municipality of Clarington.

3. Land Use Characteristics and Surroundings Uses

- 3.1 The subject site is generally rectangular in shape with an area of approximately 54 hectares (133 acres). The subject lands contain an existing farm dwelling, an enclosed pool, a garage, a barn, and metal storage sheds located on the southern portion of the site. The central portion of the property contains a wooded area, and Mackie Creek which flows in north to south direction. The surrounding uses are as follows (see **Figure 1**):
- a) South – rural residential lands, Concession Road 6, Highway 407, and agricultural lands
 - b) North- Rural residential lands, agricultural lands, and wooded areas
 - c) East – Bethesda Road, rural residential lands, and agricultural lands
 - d) West – Clemens Road, rural residential lands, and agricultural lands

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 subject to the criteria outlined in Policy 2.3.4.1 (c).

Greenbelt Plan

- 4.2 The policies of the Greenbelt Plan are intended to protect prime agricultural areas for long-term agricultural uses. Within the Protected Countryside designation of the Greenbelt Plan, lot creation is permitted for the severance of a surplus farm dwelling as a result of farm consolidation, provided that the surplus farm dwelling area is limited in size and no new residential dwellings are constructed on the retained parcel of farmland.
- 4.3 A portion of the property is within the Natural Heritage System of the Greenbelt Plan. The proposed surplus farm dwelling severance does not propose any land use change or development in this area.

5. Official Plans

Durham Regional Official Plan

- 5.1 The Durham Region Official Plan designates the subject property as “Prime Agricultural Areas.” Within Prime Agricultural Areas the severance of a farm dwelling rendered surplus as a result of a non-abutting farm consolidation is permitted by amendment to the Regional Official Plan.

- 5.2 The applicant has applied for a Regional Official Plan Amendment (ROPA 2024-001). On April 23, 2024, Amendment #197 to the Durham Regional Official Plan (associated file: ROPA2023-001), by By-law 2024-008 was final and binding, and the decision final and in full force from Regional Council. The purpose of this Amendment was to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels on lands designated as Prime Agricultural Areas.

Clarington Official Plan

- 5.3 The subject property is designated *Prime Agriculture* and *Environmental Protection Areas* within the Clarington Official Plan. The predominant use of lands designated *Prime Agriculture* shall be for agricultural purposes. 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, within the Protected Countryside of the Greenbelt Plan Area the dwelling was in existence as of December 16, 2004, the land area of the parcel on which the surplus dwelling would be located is generally less than 0.6 hectares, the dwelling to be severed is not required for farm employees, and that the farm parcel is rezoned to prohibit the establishment of any new residential uses.
- 5.4 The retained farm parcel would be 52.87 hectares in size and the surplus farm dwelling would be 0.926 hectares. The proposal meets the conditions required by Section 13.3.9 and Section 23.7 of the Clarington Official Plan, except that the farm surplus dwelling lot would be 0.926 hectares in size, however, this is supported by the Heritage Impact Assessment due to the siting of the existing dwelling, the existing accessory structures, and the location of the septic bed.
- 5.5 The subject property is identified as Primary on the Clarington Cultural Heritage Recourse List. A heritage impact assessment was requested to support the land division application to evaluate the heritage value or interest. Heritage Impact Assessment (HIA), dated June 7, 2024, by Andrea Gummo & Alex Rowse-Thompson Heritage Studio, was submitted upon request. The HIA evaluated the heritage value or interest of the property using Ontario Regulation 9/06 and indicated that the property met more than two criteria set out by the regulation. It merits the designation under Section 29 of the *Ontario Heritage Act*. The HIA provides sufficient historical background information and a thorough description and evaluation of architectural and heritage attributes. Staff is in support of the HIA's recommendation to designate the property under Section 29 of the *Ontario Heritage Act*. As a condition of provisional approval of consent application B-2024-0019, the initiation of the heritage designation process is required. The property owners have agreed to designate the existing farmhouse under the *Ontario Heritage Act* and Staff will work with the property owner to advance the designation.
- 5.6 The area designated *Environmental Protection Areas* should not be impacted by the severance application and Minor Zoning By-law Amendment given that all lands designated *Environmental Protection Areas* are consolidated on the retained parcel, and residential uses will be prohibited on the retained farm parcel.
- 5.7 It is staff's opinion that the Minor Zoning By-law Amendment conforms to the Clarington Official Plan.

6. Zoning By-law

- 6.1 Zoning By-law 84-63 zones the subject property as Agricultural Exception (A-1) and Environmental Protection (EP). The 0.926-hectare residential parcel to be severed is entirely within the Agricultural Exception (A-1) Zone. The proposed Minor Zoning By-law Amendment would prohibit future residential development on the retained parcel, prohibit the housing of livestock in the existing farm buildings as required by the Minimum Distance Separation (MDS) formulae, and legalize the heights and total floor area of three existing accessory structures on the proposed farm surplus dwelling lot.

7. Summary of Background Studies

- 7.1 A Planning Justification Report prepared by Clark Consulting was submitted in support of the applications. The Report concludes that the applications to sever a surplus farm dwelling meet the objectives and requirements of the Provincial Policy Statement, Region of Durham Official Plan policies and the intent of the Clarington Official Plan policies. A total of 3 land holdings, including the subject lands, make up the Bethesda Ridge Farms (Stan and Mary Ann Found) farming operation as shown on Figure 2.
- 7.2 A HIA dated June 7, 2024, that was prepared by Andrea Gummo & Alex Rowse-Thompson Heritage Studio analyzed the cultural heritage impact of the proposed consent application and recommended that the portion of the subject property subject to severance and containing the existing fieldstone farmhouse be considered for designation under the *Ontario Heritage Act*, given its identified cultural heritage value. Staff supports recommendations of the HIA and will work with the property owner to advance the designation.
- 7.3 The Report also addresses the Minimum Distance Separation formulae. The Report concludes that there is no livestock facility on the retained farm parcel and that the housing of livestock in the existing accessory farm structures should be prohibited. The Report indicates that the proposed applications comply with the MDS formulae guidelines.
- 7.4 A Site Screening Questionnaire and Phase One Environmental Site Assessment was submitted by GHD. The Report concludes that the present land use at 2774 Concession Road 6 has a low level of concern from an environmental assessment perspective and is suitable for the proposed severance. No further environmental assessment was recommended.

8. Public Notice and Submissions

- 8.1 Public notice was mailed to each landowner within 300 metres of the subject lands on August 26, 2024. Public meeting signs were installed on the property, fronting Concession Road 6, Clemens Road and Bethesda Road.
- 8.2 At the time of writing this report, staff had not received any comments from members of the public on the proposal.

9. Agency Comments

Durham Region

- 9.1 On April 23, 2024, Amendment #197 to the Durham Regional Official Plan (associated file: ROPA2023-001), by By-law 2024-008 was final and binding, and the decision final and in full force from Regional Council. The purpose of this Amendment was to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels on lands designated as Prime Agricultural Areas. The Regional Municipality of Durham's Planning & Economic Development Department, Regional Works Department, and Regional Health Department has no objection to the provisionally approved consent application and proposed Minor Zoning By-law Amendment Application.

Central Lake Ontario Conservation Authority (GRCA)

- 9.2 The Central Lake Ontario Conservation Authority (CLOCA) has no objection to the applications as the severed parcel does not fall within the CLOCA's Regulation limits.

10. Departmental Comments

- 10.1 The applications were circulated to the Development Engineering Division and Building Division of the Planning and Infrastructure Services Department, and the Fire and Emergency Services Department. Neither division nor department has concerns with the applications.

11. Discussion

- 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 be interested in acting as landlords when acquiring additional farmland. The Durham Region and Clarington Official Plans allow farm consolidation where possible to ensure the long-term viability of agricultural operations. The Regional and Clarington Official Plans set out regulations for the severance of a surplus farm dwelling as a result of farm consolidation. When a surplus farm dwelling is severed, no new residential dwellings are permitted on the agricultural parcel.
- 11.2 The severance of a dwelling rendered surplus because of a non-abutting farm consolidation is permitted by amendment to the Regional Official Plan. The applicant has submitted a Regional Official Plan Amendment (ROPA 2024-001) to allow for a surplus farm dwelling severance as a result of non-abutting farm consolidation. On April 23, 2024, Amendment #197 to the Durham Regional Official Plan (associated file: ROPA2023-001), by By-law 2024-008 was final and binding, and the decision final and in full force from Regional Council.

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- 11.3 The Clarington Official Plan policies require that when a surplus farm 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. The subject lands are greater than the minimum of 40 hectares required by the provisions of the Official Plan. The Official Plan also requires that the severed surplus dwelling lot is generally less than 0.6 hectares. The need severed parcel size, larger than 0.6 hectares has to do with the siting of the existing dwelling, the septic bed, and existing accessory structures. The proposed size of the surplus dwelling lot is also supported by a HIA.
- 11.4 When a surplus farm dwelling is severed, the Regional and Clarington Official Plans in conformity with Provincial policy, require that the retained farm parcel be rezoned to prohibit future residential development. The 0.926-hectare residential parcel to be severed is entirely within the Agricultural Exception (A-1) Zone. The application for a Minor Zoning By-law Amendment would prohibit future residential development on the retained farm parcel, prohibit the housing of livestock in farm buildings that were in existence prior to 2024 as required by the Minimum Distance Separation (MDS) formulae and legalize the heights and total floor area of three existing accessory structures on the proposed farm surplus dwelling lot.
- 11.5 The site-specific zoning for the farm surplus dwelling lot would include a maximum total accessory floor area for all accessory structures/buildings to be 325 square metres and a maximum accessory structure/building height to be 6 metres, to accommodate three existing accessory structures to remain on the farm surplus severed parcel. The three existing accessory structures to remain includes a metal clad shed, frame garage and an enclosed pool structure (see **Attachment 1**). As the proposed farm surplus dwelling lot will be a new lot created from the retained parcel, the existing accessory buildings would create zoning deficiencies. To address this, site specific zoning is proposed for the farm surplus dwelling lot to legalize the height and total floor area of all accessory structures/buildings to remain. The three existing accessory structures to remain would still be subject to all other zoning requirements of Section 3.1.c) of Zoning By-law 84-63, would not be permitted to use for any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot and, in Staff's opinion would not result in any negative impacts. Moreover, keeping the existing three accessory structures on the farm surplus dwelling lot is supported by the HIA, and would benefit future property owners.
- 11.6 Generally, development on or adjacent to a cultural heritage resource may be permitted where the proposed development has been evaluated through a HIA and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The proposed farm surplus dwelling lot has been evaluated by a HIA, and Staff are in support of the recommendations of the HIA.
- 11.7 Staff will work with the property owner to advance the designation, and the Clarington Heritage Committee (CHC) will be consulted on the subject application at its September 17, 2024, meeting.

12. Financial Considerations

12.1 There are no financial impacts as a result of this proposal.

13. Strategic Plan

13.1 The proposal conforms to Clarington's Strategic Plan by promoting responsible and balanced growth.

14. Climate Change

14.1 There are no climate change impacts as a result of this proposal

15. Concurrence

15.1 Not Applicable.

16. Conclusion

16.1 In order to streamline the process for minor applications that conform to Municipal, Regional, and Provincial policies approval will be recommended at the Statutory Public Meeting.

16.2 The purpose of the Public Meeting report is to provide background information on the submitted Zoning By-law Amendment application. Should there be no significant concerns from the public, it is respectfully recommended that Council: approve the amendment to Zoning By-law 84-63 (See **Attachment 1**).

Staff Contact: Jacob Circo, Planner II, (905) 623-3379 ext. 2425 or jcirco@clarington.net.

Attachments:

Attachment 1 – Zoning By-law Amendment

Interested Parties:

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

Stan, Sarah and Mary Ann Found - Bethesda Ridges Farms

Bob Clark, Clark Consulting Services

Ken Allin

Karen Allin