

Planning Justification Report

Original Submission - May 4, 2021
Revised Submission - May 28, 2021
Revised Submission - July 23, 2021
Addendum – December 22, 2021

HopeTowns Farm Hub
5373 Lakeshore Road
CCS Project No. 4516

Prepared for:

Jake Deacon, Project Manager of the Local Agricultural Project

Prepared by:

Bob Clark, Principal Planner, Clark Consulting Services

Clark Consulting Services (CCS) has been retained by Jake Deacon, the Managing Director of Cloverlark Enterprises, to provide an Addendum to the Planning Justification Report in response to the comments prepared by the Conservation Authority and Meridian Planning Consultants on behalf of the Municipality of Port Hope, dated December 13, 2021.

1. DRAFT PLAN OF CONDOMINIUM

This will advise that alignment of the lane that is the subject of the Draft Plan of Condominium has been altered to reflect a more direct alignment and avoid the area along the edge of the treed areas. *Figure 1* is a reproduction of the revised Draft Plan.

2. LOCATION OF CENTRAL DOWNTOWN DEPARTURE LOCATION

Although not formally assigned, the location of the departure location will be in the vicinity of the intersection of Walton and John Street to be close to the HopeTowns facilities, in downtown Port Hope.

3. ENVIRONMENTAL PROTECTION ZONES

3.1 Shoreline Environmental Protection (EP) Zone

The Environmental Protection (EP) Zone proposed along the Lake Ontario Shoreline is based on the Ganaraska Region Conservation Authority mapping, reproduced on the Lake Ontario Shoreline Management Plan Hazard Maps (Map 23 and 24). This line is based on the 100 Year Flood level for Lake Ontario, the Flood Hazard limit, the Toe of Bluff and Stable Slope Allowance and the Erosion Hazard Limit. We did review against the detailed topographic information to confirm that the EP Zone line corresponds to a setback of three times the bluff height, measured from the top of the shore bluff.

The base map used for the Concept Plan is an aerial from the Agricultural Information Atlas provided by the Ministry of Agriculture and Food. There were comments about the yellow lines. These lines are assessment lines. The assessment lines for the road allowance does not agree with the survey prepared for the subject lands. The actual road allowance is located slightly further north from the assessment lines.

3.2 Interior EP and EP-F Lines

These zone lines were replicated from the existing Zoning By-law Schedule. The Conservation Authority have requested that a minor adjustment be made to recognize the drain that enters of the pond from the east, along the north side of the elevated area associated with the former rail



line. A revised Proposed Zone Schedule is included as Attachment 1.

3.3 Fencing of Natural Heritage Features

The Conservation Authority has requested that the Natural Heritage Feature and the buffer will be fenced to avoid livestock from entering these areas. The owners have agreed that the pasture areas would be fenced and this fencing can be located to protect the areas of Natural Heritage Features.

3.4 Location of Eco-cabins in the EP Zone

The proposed EP area includes the railway embankment in the south-west portion of the subject lands. Three of the eco-cabins are located on the railway embankment in this portion of the property. It is proposed that the definition of the eco-cabins to be included in the Zoning Amendment would include a provision allowing these eco-cabins to be located in the lands zoned EP.

4. PLANNING COMMENTS

4.1 Review of Section D6.3.2

Section D6.3.2 allows Council to permit ancillary passive recreation and leisure facilities such as non-motorized trail uses and nature appreciation facilities in the Natural Environment designation subject to a set of criteria. The proposal to allow the eco-cabins in the Natural Environment designation requires a review of these criteria:

- a) the ancillary use is clearly incidental and secondary to, and complementary with, the main Natural Environment;
The eco-cabins are intended for sleeping only. They will not be serviced with water supply, septic system, electricity, or other cable services. Their purpose is to provide accommodation for farm employees and farm guests. This will provide a necessary facility for employees and an opportunity for guests to appreciate the natural setting. The size of the eco-cabins will be limited to 30 sq.m. floor area. They are designed to not require a permanent foundation and can be relocated. On this basis, it is our opinion that the eco-cabins are incidental and secondary to the main Natural Environment designation and are complementary to this designation.

- b) the ancillary use does not negatively impact upon the natural features and functions on the site;
The location on the railway embankment ensures that the eco-cabins do not negatively impact the natural features or functions on the site.



c) existing agricultural uses are permitted to continue in or adjacent to the Natural Environment designation;

The eco-cabins are viewed as part of an agricultural use by providing sleeping accommodation for farm employees. We acknowledge that the agricultural uses proposed on the subject lands, are not existing uses.

Based on this review, it is our opinion that the location of the eco-cabins as proposed can be permitted as ancillary passive recreation and leisure facilities, which will not have an impact on the lands designated Natural Environment.

4.2 Zoning of Eco-cabins

Although the eco-cabins are intended to provide sleeping accommodation for farm employees and guests, they are not a dwelling as defined by the Zoning By-law and are not intended to be permanently located on the site.

Definition of Eco-cabin:

An accessory building that is used for sleeping accommodation associated with a farming operation either to accommodate farm employees or guests which contains no sanitary facilities, kitchen or cooking facilities. The maximum gross floor area shall be 30 square meters. An eco-cabin can be located in an Environmental Protection (EP) Zone provided the location is elevated, has pedestrian access and does not require the removal of any vegetation.

4.3 Parking Area

The Zoning By-law includes a request for a parking area to accommodate 20 parking spaces. This is deemed to be sufficient for the proposed use. It is acknowledged that there may be infrequent activities that will require additional parking and this can be accommodated on the subject lands as an infrequent use. The Planning Justification Report also referenced a parking area for 27 spaces. This refers to an earlier version of the concept and should be revised to the current project with 20 spaces.

4.4 Examples of Similar Uses

Staff have asked for examples of similar on-farm diversified uses. Although there are a number of on-farm diversified uses in the immediate area such as Haute Goat, Graham Creek and Iron Horse, the proposed Farm Hub is unique in that it proposes to educate guests on the benefits of regenerative agriculture. The other examples share their rural settings and may engage their guests in agricultural activities, but the focus of this project is on demonstrating the advantages of a form of agriculture that is intended not only for urban guests, but particularly for rural farm guests who will be asked to consider the benefits of the techniques and methods used in the demonstration.



4.5 Feasibility of Servicing the Proposed Facilities

In preparing this concept, our clients were aware of the need for servicing. The site and the barn has access to water suitable for human consumption either from groundwater sources, as evidenced by adjacent well records or by imported water. Similarly, the suitability of the site for a septic system either adjacent to the barn or on lands further away from the barn will be addressed as part of the detailed design review, and this design will be subject to approval by the appropriate authorities. Until the use is approved, this level of feasibility was felt to be sufficient and the applicants acknowledge that further design and approvals are required.

4.6 Alteration of Barn

The barn is to be renovated to provide a central location for the farm operation and the adjacent outdoor meeting area. It is acknowledged that this renovation will involve some minor extension to accommodate the washrooms and possibly part of the kitchen. The extensions are not extensive and will be part of the detailed design and approval. The estimated area of the barn as extended, was included in the area of the on-farm diversified uses.

PLANNING OPINION/CONCLUSIONS

It is my opinion that the above-described proposal is appropriate for the site and will provide an important resource and attraction for the Municipality. The proposed Common Element Condominium provides access to the southern lot, is in keeping with the spirit of the regulations surrounding Prime Agricultural Lands and will provide a means of ensuring that this property is used to its potential. The proposal meets the policy as outlined in the Provincial Policy Statement, the Growth Plan and the County and Local Official Plans.

We would also request that the approval would exempt the Condominium from Draft Plan Approval process, as Part II Section 9(3) of the Condominium Act allows the approval authority to exempt the registration from the process of Section 51 and 51.1 of the Planning Act. This would allow the registration of the condominium, as outlined in the original application.

Sincerely,



Bob Clark, *P.Eng., P.Ag., MCIP, RPP, OLE*
Principal Planner



FIGURE

- 1. Updated Draft Plan of Condominium

ATTACHMENT

- 1. Updated Zoning By-law and Schedule

z:\4516 Local Agricultural Project\Resubmission-December 2021 (Updates)\4516-Planning Justification Report-Addendum-December 22-2021.docx



FIGURE 1
Draft Plan of Condominium - Updated



DRAFT PLAN OF CONDOMINIUM
 5373 Lakeshore Road
 Part Lots 13 & 14 Concession 1 Hope
 Municipality of Port Hope
 County of Northumberland

Land Use Property	Area for CEC (m ²)	Remaining Area (ha)	Participation
Bracken North Portion	2,770	11.32	Yes
Unopened Road Allowance	1,263	0.79	No
Bracken South Portion	N/A		Yes
Bracken Cottage	N/A		Yes
Private Cottage 210	N/A		Yes
Private Cottage 220	N/A		Yes
TOTAL	4,033	12.11	

- Legend**
- Common Element Condominium for Access (Bracken North)-(width 10 metres)
 - Common Element Condominium for Access (Road Allowance)-(width 10 metres)

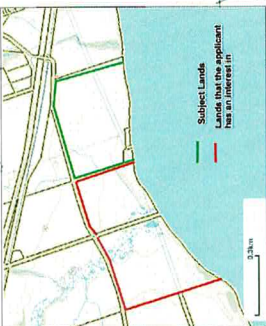
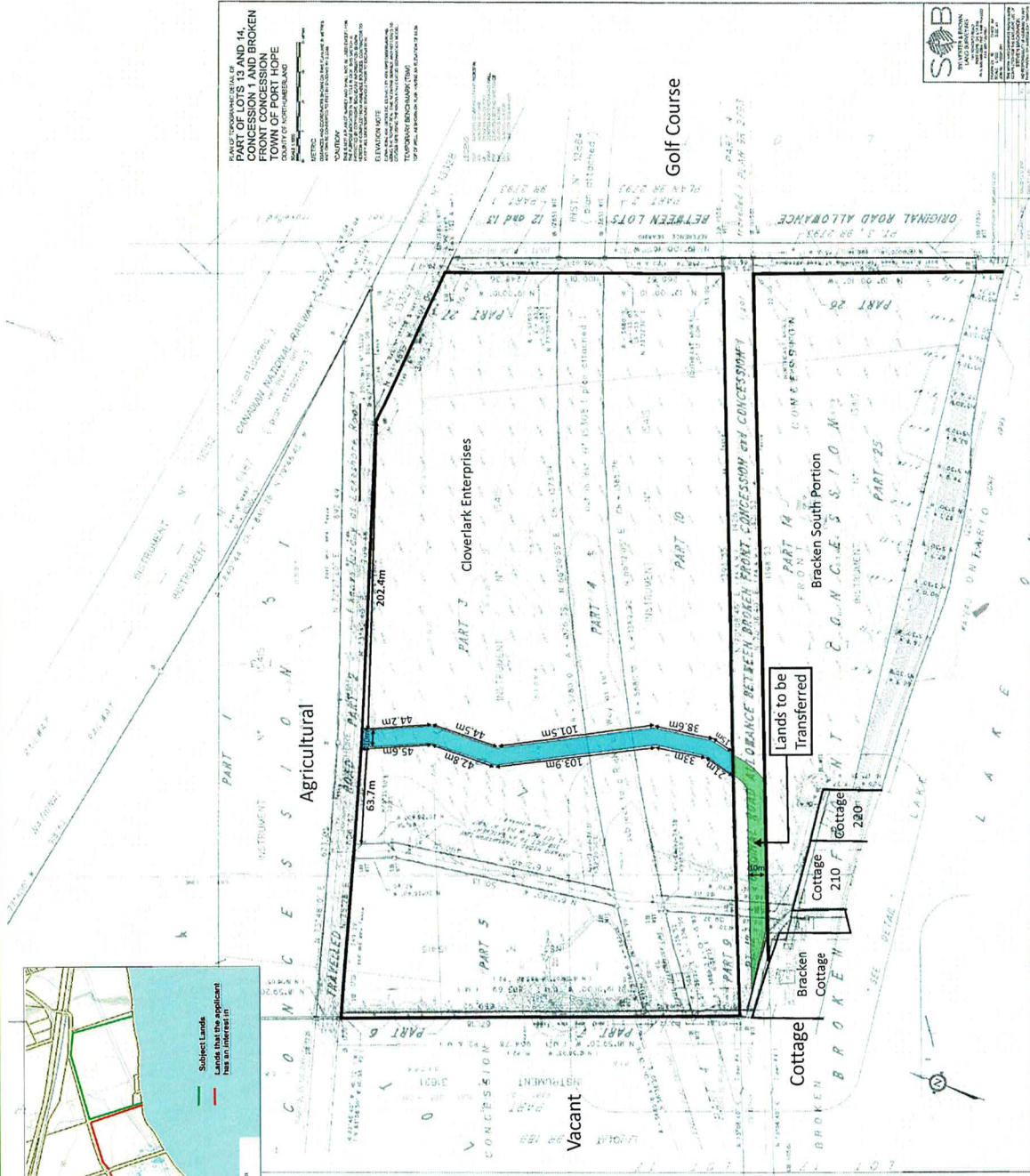
Additional Information
 (Under Section 51(17) of the Planning Act, RSO 1990)
 The Planning Act requires a draft plan showing:
 (a) the boundaries of the lands certified by an OLS - as shown
 (b) the location, widths and names of proposed and existing highways as shown
 (d) the lands to be used for access purposes
 (e) the existing land use of the adjacent lands as shown on the plan
 (f) the approximate dimensions and layout of lots as shown
 (h) water supply is to be provided by individual wells - as shown
 (k) Municipal services include a full range of services excluding water and sewage services
 (l) Ontario Hydro Transmission Line subject to an easement as set out in Instrument No. 14917 and access easement to cottage lots
 Sections c. g. i, j not applicable

Surveyor's Certificate
 I hereby certify that the boundaries of the land to be subdivided on this plan and their relationship to the adjacent lands are correctly and accurately shown.
March 25, 2021
 Date
 Merrill D. McLean, Ontario Land Surveyor
 Sylvester & Brown Land Surveying Ltd.

Owner's Certificate
 I authorize Clark Consulting Services to prepare and submit this Plan of Condominium for approval.
 July 23, 2021
 Date
 Cloverlark Enterprises Inc.

Scale Bar
 0 25m 50m 100m

 CLARK

ATTACHMENT 1
Updated Zoning By-law & Schedule



Draft Zoning By-law Amendment
CORPORATION OF THE MUNICIPALITY OF PORT HOPE
BY-LAW NO. XX/2022

Being a By-law Under the Provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as Amended to Amend Zoning By-law 20.2010, as amended, of the Corporation of the Municipality of Port Hope, for a portion of 5373 and 5229 Lakeshore Road, in the Municipality of Port Hope, in the County of Northumberland.

WHEREAS Zoning By-law No. 20/2010, as amended, was passed under authority of Section 34 of the Planning Act, R.S.O. 1990, c.P.13 as amended;

AND WHEREAS this By-law conforms with the general intent of the Municipality of Port Hope Official Plan, as amended;

AND WHEREAS on _____, 2022 the Council of the Corporation of the Municipality of Port Hope conducted a public meeting in regard to the proposed zoning, as required by Section 34(12) of the Planning Act. R.S.O. 1990, c.P. 13, as amended;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it advisable to amend Zoning By-law No. 20/2010, as otherwise amended, with respect to the above described lands, and under the provisions of the *Planning Act* has the authority to do so;

NOW THEREFORE the Council of the Corporation of the Municipality of Port Hope **ENACTS** as follows:

1. **THAT** Schedule “B” – Sheet 15 (Zone Map) forming part of Zoning By-law 20/2010, as otherwise amended, is hereby amended by changing the zone classification on the subject lands from Agricultural ‘A’ Zone to Agricultural Exception # x ‘A (x)’ Zone in accordance with Schedule “A” attached hereto and forming part of the By-law.
2. **THAT** Part 12 – Exceptions of Zoning By-law 20/2010 is hereby amended to add the following:

Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
A	x	-Farm Related Tourism Establishment -Commercial Kitchen -Eco-cabins -Outdoor event area			i) 20 parking spaces at the entrance on granular base and overflow grass parking spaces;

Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>ii) The maximum number of Eco-Cabins shall be 10; Eco-cabins shall be defined as An accessory building that is used for sleeping accommodation associated with a farming operation either to accommodate farm employees or guests which contains no sanitary facilities, kitchen or cooking facilities. The maximum gross floor area shall be 30 square meters. An Eco-cabin can be located in an Environmental Protection (EP) Zone provided the location is elevated, has pedestrian access and does not require the removal of any vegetation.</p> <p>iii) The outdoor event area shall have a maximum area of 3,700 sq.m.;</p> <p>iv) The existing lots as of the date of the passing of this By-law shall be considered</p>

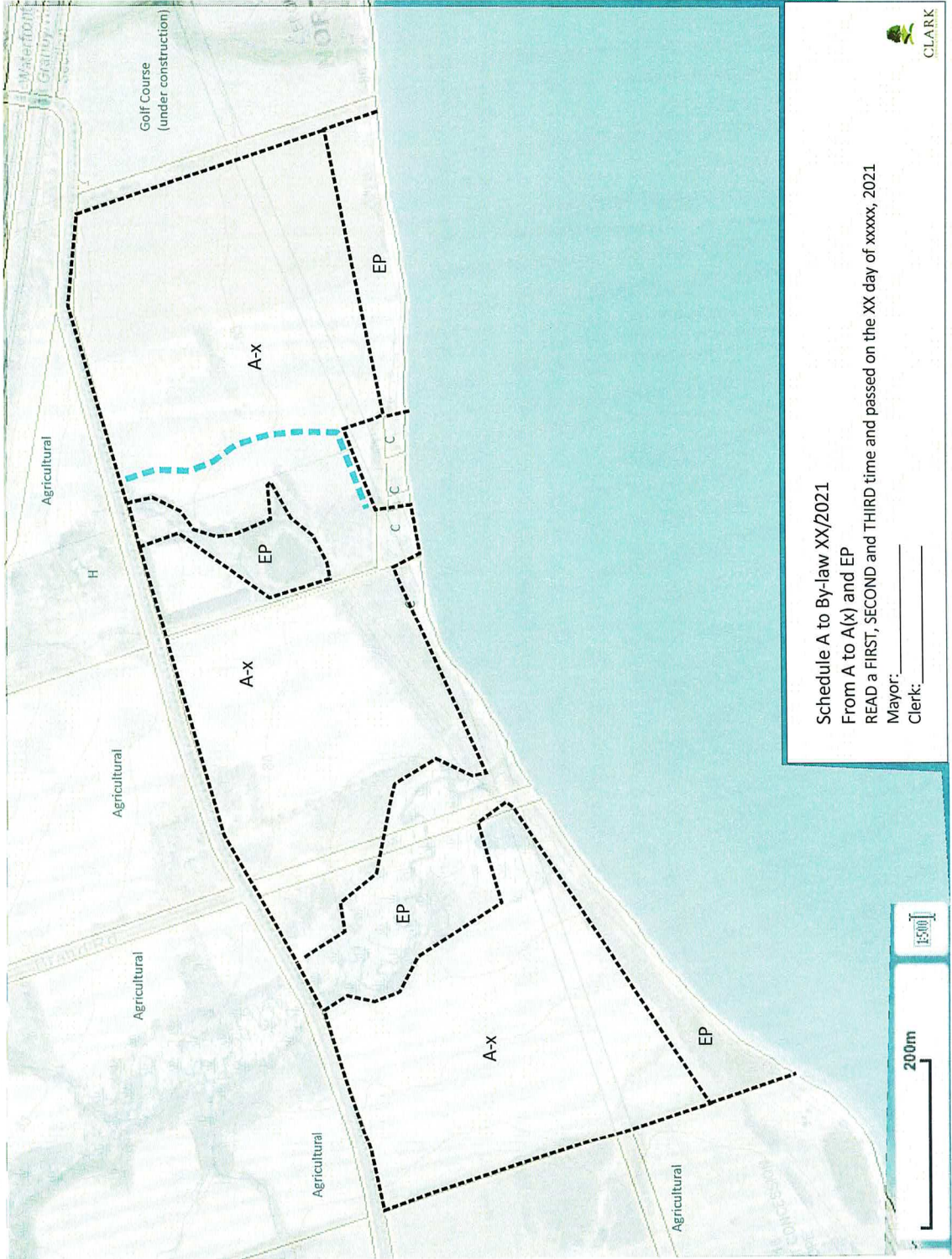
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					as legal non-conforming with respect to lot area and those lots with access from a common element condominium or equivalent shall be considered legal non-conforming with respect to lot frontage.

3. **THAT** Zoning By-law No. 20/2010, as otherwise amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 20/2010, as otherwise amended, shall in all respects remain in force and effect save as may be otherwise amended or hereafter dealt with.
4. **THAT** this By-law shall come into force on the date it is passed by the Council of the Corporation of the Municipality of Port Hope, subject to the applicable provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.

READ A FIRST< SECOND AND THIRD TIME and finally passed on the ___ day of _____, 2022.

R.J. Sanderson, Mayor

Brian Gilmer, Clerk



Schedule A to By-law XX/2021

From A to A(x) and EP

READ a FIRST, SECOND and THIRD time and passed on the XX day of xxxxx, 2021

Mayor: _____

Clerk: _____

