

Planning Justification Report

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HopeTowns Farm Hub
5373 Lakeshore Road
CCS Project No. 4516

Prepared for:

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INTRODUCTION

Clark Consulting Services (CCS) has been retained by Jake Deacon, the Managing Director of Cloverlark Enterprises, to provide a Planning Report in support of the proposed project to establish a local Agricultural Enhancement Project outlined below to be located on the subject lands at 5373 and 5229 Lakeshore Road west of the community of Port Hope. This is a resubmission based on comments received from the Municipal Planning Staff. Originally, we submitted two Planning Reports. One addressed the zoning changes required to accommodate the proposed use on the combined lands referred to as 5229 and 5373 Lakeshore Road. The second report was submitted in support of a proposed Common Element Condominium Access Road, to be located on the lands at 5373 Lakeshore Road to provide access to the property south of the unopened road allowance. The purpose of this access road was to provide an improved access to the 3 existing cottages south of the unopened road allowance which are currently accessed by a private right-of-way and allow the construction of a residence on the lands south of the unopened road allowance which do not front on a publicly maintained road allowance. At the request of the Municipal Planning Department, the Justification Reports for these two applications have been combined and are outlined in the following sections.

SECTION 1: ZONING BY-LAW AMENDMENT APPLICATION

1. DESCRIPTION OF THE PROPOSAL

The project, known as a Farm Hub is part of an economic development strategy which aims to create jobs and encourage local food production on rural properties within the community. Within three years there will be over 30 jobs created on the Farm Hub. The attached Concept Plan (Figure 1) illustrates the proposed uses.

The agricultural lands will be farmed using mixed-farm regenerative agricultural practices. A small portion of the property will be used for activities that *support* these sustainable agricultural operations. These activities include demonstration plots to showcase permaculture cropping and husbandry, designated parking area for no more than 20 vehicles, and an overflow grass-covered parking area. Vehicular traffic will be restricted to farm employees and cabin guests. Ecologically sensitive shuttle services will be used to transport groups on a pre-determined basis for site visits, farm tours, and education programming. Shuttles will depart from a central, downtown location.

There will also be a public path for foot, bicycle and equestrian traffic winding through the heart of the Farm Hub which we hope one day to be part of a Lakeshore path connecting downtown Port Hope to the historic village of Wesleyville.



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There will be food preparation areas to support on-site dining, an outdoor meeting area for education and training, ecologically sensitive accommodation for staff and guests, as well as storage buildings for equipment and produce. These elements all benefit from being in close proximity to the farm operations and their primary purpose will be to promote local, sustainably grown and healthy food. The main use of the land will be for the growing of the farm produce and livestock, and the improvement of the soils. The farm production, educational, hospitality, and event-based elements will all be directly related to the farm operations and will support and promote other local sustainable farming operations.

All new structures will be built using recycled natural materials from the farm itself. Taking nothing from the agricultural potential of the land, the accommodation cabins (ten maximum) will be situated on existing man-made formations (pond berm, shore bluff and historic Grand Trunk Railway embankment as examples) that are currently unavailable to agricultural use. These cabin installations will be self-sustaining for zero ecological impact and will be, where possible, built with solar-kilned “dead” ash trees that currently populate the property.

2. REVIEW OF CONCEPT

The proposed uses are permitted in the Official Plan. A Zoning By-law Amendment will be required to permit the on-farm diversified use and address any areas of non-compliance. The on-farm diversified use is the kitchen/dining area located south of the pond adjacent to the existing barn which is to be used as the central food preparation area for farm staff and guests. The area is not used for cultivation and is located between the pond and the cottage which provides access to the lake. This will be an outdoor venue which can use tents in the event of inclement weather.

As illustrated on the attached Concept Plan (Figure 1), the subject lands are divided into six lots of record principally by the existing unopened road allowances. The individual lots are intended to be transferred to individuals in order that they can fully participate in the farm operation. These lots do not fully comply with the Zoning By-law with respect to lot area. Since they are lots of record, they would be considered to be legal non-complying and would be eligible for building permits for uses permitted in the Zoning By-law. The shoreline lots on the east and west sides of the subject lands do not front on a public road. Access can be arranged by a Common Element Condominium for a laneway across the intervening lands. Access across the road allowances would also be required. A Zoning By-law Amendment will be required to recognize the alternate access.

The central corridor which is accessed by the existing access easement includes the proposed parking area, greenhouse area, the pond and the kitchen, garden and dining area. These uses are to be recognized by a Zoning By-law Amendment.



3. REVIEW OF SITE

The soils on the site are described as Newcastle Loam in the OMAFRA Soil Survey Report No. 42 for Northumberland County 1974. The report describes these soils as susceptible to erosion and complete soil cover is desirable all year particularly during the fall and spring. These soils have a high potential for most uses, the major limitation being topography. The Agricultural Capability of these soils is 1⁷3E³. The Class 3E is related to the potential for erosion. The central watercourse is classified as Class 5 with infiltration limitations.

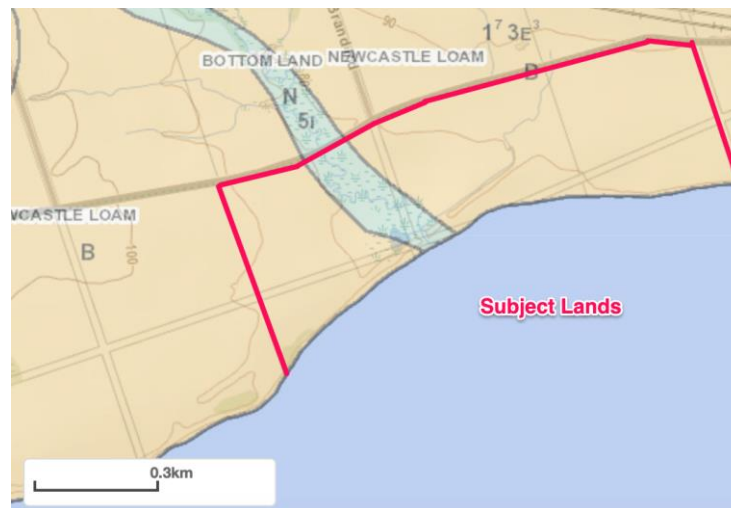


Figure 2 - Soils Map

The subject lands include three areas of cultivated lands separated by wooded and natural areas. The eastern watercourse includes the pond and a stream that extends along the north side of the former railway corridor. The western watercourse has an extensive valley feature and outlets to the Lake. An eastern watercourse discharges to the pond. These watercourses and their associated valley areas create a unique natural setting for the cultivated land. These watercourses are Key Hydrologic Features and will be protected. No new structures are proposed in these areas. The conversion of the tilled areas to regenerative agriculture will reduce the impact on these areas and the water quality of drainage from these fields. No live tree removal is proposed, though many dead ash trees will be removed to make way for new growth. These trees will be recycled into building materials, firewood and mulch for the pastures.

The establishment of a new access lane will eliminate the need to improve the existing laneway. The design of the on-farm diversified uses and the new laneway will document the specific drainage proposed. Provision for collection of drainage from the proposed roof and lane/parking areas will be either infiltrated or directed to existing watercourses. These outlets will be designed to avoid impact on the land or watercourse.



The Lake Ontario shoreline has extensive shoreline bluffs that have been identified as an area of potential erosion. The recent Lake Ontario Shoreline Management Plan, prepared by the 3 Local Conservation Authorities, identified the shoreline in this area as a potential erosion hazard and advised that a 30-metre setback from the shoreline should be established and additional setback should be established on the basis of a ratio of a setback equal to 3 times the height of the adjacent bluff. This results in an additional setback on both the east and west shoreline areas. This is included in the proposed Zoning By-law Amendment.

The subject lands are home to species of threatened and endangered wildlife and contain several areas of significant wetlands. These features are considered assets to the operations on the site and will be protected at all costs. None of the proposed operational uses or proposed buildings/structures will impact any wildlife habitat areas or wetlands on the subject lands.

These areas are included in the area regulated by the Ganaraska Region Conservation Authority. Buildings and structures and land alteration in these areas will be subject to review by the Conservation Authority and will require a permit prior to approval for construction. The map illustrates the regulated areas within the subject lands.

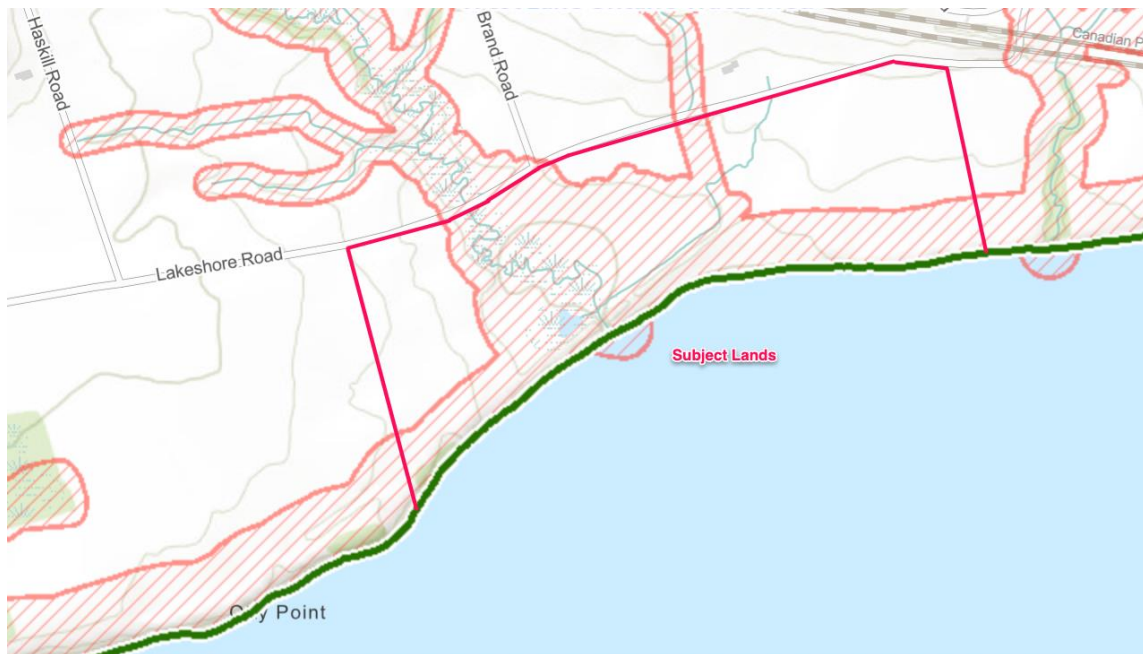


Figure 3 - Conservation Authority Regulated Area



4. REVIEW OF CRITERIA

The Planning Documents, including the OMAFRA "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" Publication 851, provide a series of criteria for the establishment of farm-related uses and on-farm diversified uses. The images below will help to identify the proposed on-farm diversified uses and the sections which follow provide a review of the criteria:



Figure 4a – Potential Cabin Locations

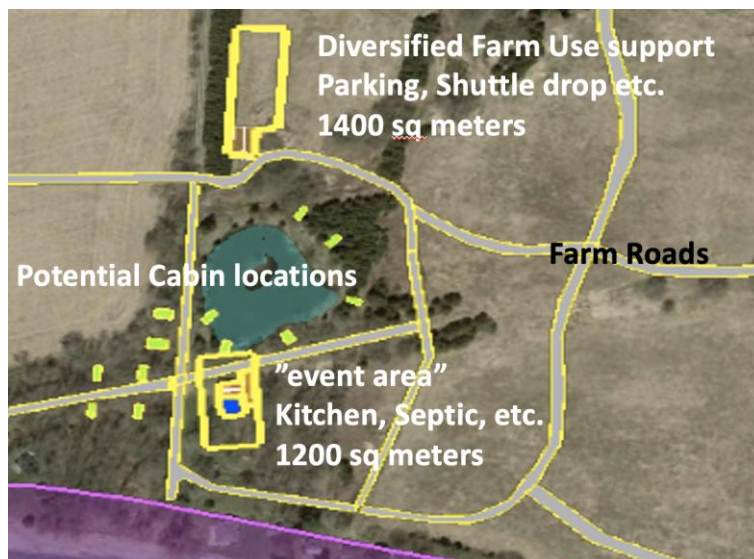


Figure 4b – Central Location Concept



4.1 Building on Rural Character and Leveraging Rural Amenities and Assets (PPS)

The bulk of the lands and the existing open fields will continue to be used for agricultural production. The wooded areas provide character to the area and will be maintained. The Farm Hub has been designed to make use of the Amenities for the farm-related uses and the on-farm diversified use while maintaining the existing productive lands in active agricultural use.

4.2 On-farm Diversified Uses Shall be Compatible with and Shall Not Hinder Surrounding Agricultural Operations

The on-farm diversified uses are the farm kitchen and the sustainable employee/guest cabins. These cabins will be used by seasonal employees and when not required by employees will be used as guest cabins. The location of these buildings is well removed from any adjacent land holdings not part of the Farm Hub and are located such as to not interfere in any way with the farming operations on the Hub. It is our opinion that the proposed on-farm diversified use will not hinder surrounding agricultural operations.

4.3 The Amount of Land Devoted to the On-farm Diversified Use

The farm kitchen and sustainable employee/guest cabins involve 0.43 ha of land out of a total of 44.8 ha which represents approximately 0.96% of the Farm Hub property. Although these facilities are used as part of the farm operation for purposes of this planning review, we have considered them to be on-farm diversified uses.

Area of On-farm Diversified Uses

USE	AREA (sq.m.)	NOTES
Support Area (Parking, Shuttle drop-off, etc.)	1400	20 spaces @ 18 sq.m./space Area for shuttle turn-around loop & drop-off
Event Area (Kitchen, Dining, Septic, Gathering, etc.)	1200	Kitchen- 111 sq m Septic – 140 sq m Barn – 84 sq m Gathering/Dining/Sitting Areas – 865 sq m
West Cabins Access Rd.	565	Access road unique to cabin usage
East Cabins Access Rd.	830	Access road unique to cabin usage
Cabins	300	10 cabins @ 30 sq.m./cabin
TOTAL	4,295	



4.4 The Size of Buildings Housing the On-farm Diversified Use

The farm kitchen will be an addition to the existing Storage Barn and will total 111 sq.m. The cabins will be individually designed, ecologically pristine and self-sustaining. The size will not exceed 30 sq.m.

4.5 The Nature of the on-farm Diversified Use and the Relationship to the Farm Use

The HopeTowns Farm Hub is designed to allow individuals to gain a profound understanding and appreciation of local regenerative food production and experience the rural environment. Visits to the Farm Hub will be pre-booked and attendees will be transported to the property by a shuttle service from the downtown area. These shuttles and on-site visits will be scheduled to avoid conflicts with farming activities. The tours will be physically separated from these activities. Farming, farm education, and the food produced on the farm will be incorporated into the programming of the Hub.

4.6 The Size and Nature of the Operation and the Need for Temporary Employees

Regenerative agriculture reduces the use of mechanical equipment and eliminates chemical inputs, relying rather on human and animal power for cultivation, fertilization, tending of plants and harvesting. This increases the need for employees during critical periods of the growing season. Thus, the actual need for employees will vary over the season but will require significant numbers during those critical times of seeding and harvest.

4.7 On-farm Diversified Use

The Planning Documents including the Ministry of Agriculture, Food and Rural Affairs Publication 851 entitled: Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas provide a series of criteria for on-farm diversified uses, namely:

- must be conducted by residents on the farm or employees
This is the intention.
- use must be clearly secondary and incidental to the principal use of farming
The use is secondary both in size and in operation.
- must not result in the loss of good and/or productive farmland
The location does not use productive farmland or remove land from active production.
- must in no way impede or interfere with the ability of the farmer to conduct his/her farming operation
The use will not impede or interfere with the farming operation.
- must be operated as part of the farm operation
The activities will be conducted to illustrate and complement the farm operation.



- does not generate vehicular traffic beyond that which is normally associated with a farming activity or a farm unit. Vehicular traffic shall be by a driveway that serves the farm unit.

The vehicular traffic will be infrequent and will not interfere with the farm activity. The access will use both the Common Element Condominium access and the existing driveway and will park at the entrance parking lot. (See Attachment 6-Traffic Brief)

- shall not be placed in a separate zone category in the implementing Zoning By-law but rather shall be considered as a permitted use in the Agricultural Zones

Our review of the Zoning By-law suggests that the on-farm diversified use would be added to the Agricultural (A) zone as a permitted use on these lands.

- shall not interfere with the adjacent agricultural operations

The proximity to existing livestock operations was reviewed and it was determined that there were no livestock operations within 750 m of the proposed on-farm diversified uses. On this basis, an MDS calculation was not required.

Our assessment suggests the following approvals will be required:

- Zoning By-law Amendment to permit the on-farm diversified use and the farm related uses and recognize the non-compliant aspects of the shoreline lots (lot frontage and lot area) and the definition of the eco/cabins to identify limitations on location, access and number.
- A Common Element Condominium to address the access for the southern lot.

5. REVIEW OF PLANNING DOCUMENTS

5.1 Planning Act

New land uses must comply with Provincial and local planning documents. The Planning Act provides the process for regulating and considering changes in land use. The following sections outline the considerations required for approval of land use changes.

5.2 Provincial Planning Statement 2020

Section 1.1.4 provides policy for Rural Areas in Municipalities such as the subject lands. It states: *“Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.”*

Section 1.1.4.1 promotes healthy, integrated and viable rural areas by:

- (a) building upon rural character, and leveraging rural amenities and assets;
- (f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of



resources;

- (i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

Section 1.1.5.2 includes as permitted uses on rural lands:

- (a) the management or use of resources;
- (d) agricultural uses, agricultural-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards.

On-farm diversified uses are defined in the PPS as: *“uses that are secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.”*

Section 2.3.3 lists permitted uses in Prime Agricultural Areas as agricultural uses, agricultural-related uses and on-farm diversified uses. These uses are to be compatible with and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

It is our opinion that the HopeTowns Farm Hub meets these criteria. Section 4.7 above reviewed these criteria.

5.3 Greater Golden Horseshoe Growth Plan

Consistent with the Provincial Policy, Section 2.2.9 provides that rural land uses may include uses for the management or use of resources and uses that are compatible with the rural landscape and surrounding local land uses, that can be sustained by rural service levels and will not adversely affect the protection of agricultural uses and other resources-based uses.

Section 4.2.6 provides policy for the Agricultural System and encourages municipalities to support access to healthy, local and affordable food, urban and near-urban agriculture, food system planning and promoting the sustainability of agricultural, agri-food, and agri-product businesses while protecting agricultural resources and minimizing land use conflicts.

It is our opinion that the proposal for the HopeTowns Farm Hub meets these policy objectives.

5.4 County of Northumberland Official Plan

The County Official Plan was approved by the Ontario Municipal Board on November 23, 2016. Schedule A designates the subject lands as Agricultural Area.



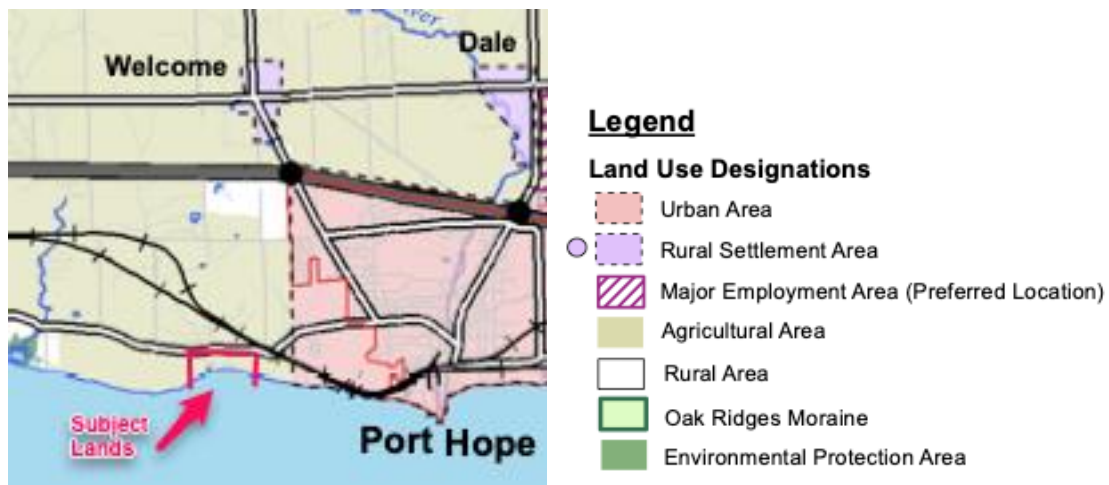


Figure 5 - Excerpt from Schedule A, County Official Plan

Section A3.3 makes It clear that the Agricultural Area designation is considered to be the County’s Prime Agricultural Area.

Section C3 provides Objectives and Policy for the lands designated Agricultural Area. Agricultural-Related uses and On-Farm Diversified Uses are permitted in the Agricultural Area. Section C3.5 provides specific policies for Agricultural-Related Uses which are defined as uses that are farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity. These uses are to be compatible with and not hinder surrounding agricultural operations. Detailed policies are to be provided in local Official Plans.

Section C3.6 defines and provides policy for On-Farm Diversified Uses. These uses include agri-tourism uses, farm vacation homes and seasonal home-grown produce stands. The factors to be considered in determining uses that qualify as On-Farm Diversified Uses include:

- Amount of land devoted to the on-farm diversified use;
- The size of the buildings housing the on-farm diversified use;
- The nature of the on-farm diversified use and relationship to the farm use.

These criteria are reviewed in Section 4.7 of this Report.

Agri-tourism uses outlined in Section C3.6.5 include small-scale educational establishments that focus on farming instruction as a permitted use in the Agricultural Area designation.

Accessory Accommodation for farm labour is permitted provided it can be demonstrated that the



size and nature of the operation requires additional employment, and the lands are appropriately zoned and the use is permitted in the local Official Plan.

Based on this review, it is our opinion that the proposed use is permitted on the subject lands subject to the criteria and the local Official Plan.

5.5 Municipality of Port Hope Official Plan

Official Plan Amendment No. 7 was an update of the original Official Plan. It was approved by a formal order of the Ontario Municipal Board issued on January 10, 2017.

Schedule C designates the subject lands are Agricultural – Prime and Natural Environment

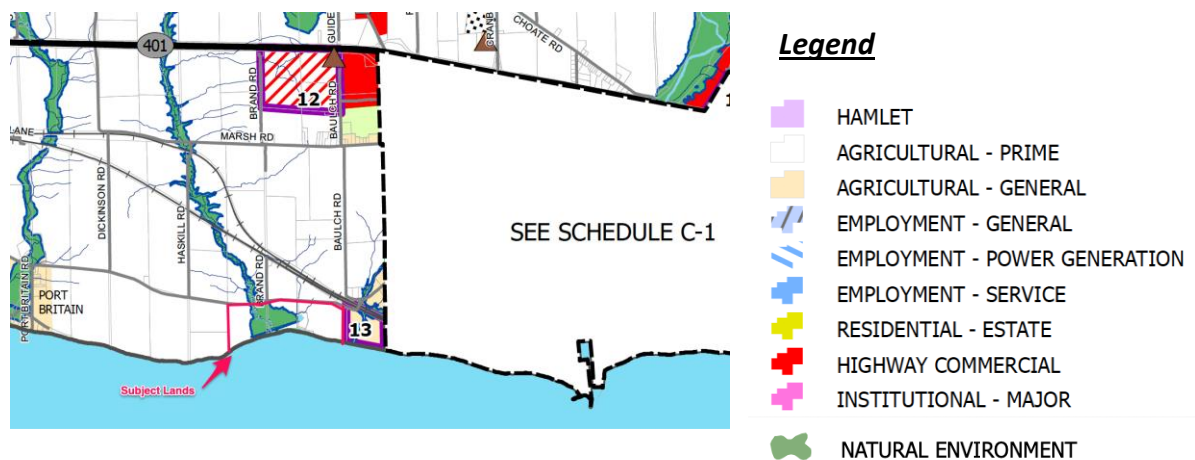


Figure 6 - Excerpt Schedule C, Municipality of Port Hope Official Plan

Section D7.1 provides policy for the consideration of changes to land use in the Prime Agriculture designation. The General Statement indicates that the predominant form of land use within the Prime Agriculture designation shall be agricultural and agriculture-related uses. All types, sizes and intensities of agricultural uses and normal farm practices are to be promoted and protected.

The permitted uses include associated uses such as limited agricultural service and supply industries, as well as on-farm diversified uses that are secondary to the principal agricultural use of the property and are limited in area. These uses include uses that produce value-added agricultural products provided they are compatible with and do not hinder surrounding agricultural operations. These uses require an amendment to add these uses to the permitted uses in the Zoning By-law. The Zoning Amendment is to add appropriate provisions and regulations to govern the use of these lands.



The permitted uses include temporary housing for persons who significantly assist in the day-to-day operation of the farm. This housing is not to be considered for a land severance. Lot consolidation is encouraged. The cabins referred to earlier can be considered temporary housing.

On-farm diversified uses may be permitted. They are to be small scale and secondary to the principal use of the farm. In addition, they should rely on normal farm material and not detract from the farming activities or adjacent properties. A series of criteria are provided, namely:

- a) An on-farm diversified use can be conducted only by residents on the farm property in question, or employees who are employed full-time in the farm operation;
- b) The types of uses permitted as on-farm diversified uses should be limited to those involved in the manufacture or fabrication of goods (e.g. farm gates, haybale elevators, animal feeders), uses considered to be trade occupations (e.g. electrician, plumber, carpenter, welder) and those occupations that are related to agriculture and farming;
- c) The uses proposed must be clearly secondary and incidental to the principal use of farming on the subject property. It must be such that the activity does not result in the loss of good and/or productive farmland. It cannot occupy a building area that is necessary for, or essential to, the ongoing farm operation, and it must in no way impede or interfere with the ability of the farmer to conduct his/her farming operation;
- d) All on-farm diversified uses shall be conducted inside buildings and/or structures unless the nature of the use requires an outdoor component. These buildings shall all either be conversion from existing farm buildings or shall be buildings that can be converted to farm use. Further, all buildings and structures used in connection with the on-farm diversified use must be located in proximity to the principal farm buildings;
- e) An on-farm diversified use must be operated as part of the farm unit and must cease, if the farm operation is discontinued. Secondary farm occupation uses shall not be permitted as a separate or independent use from the farm operation. Any proposal to separate or sever an on-farm diversified use from a farm property shall not be permitted;
- f) The use must be such that it does not generate vehicular traffic beyond that which is normally associated with a farming activity or a farm unit. Vehicular access to the use shall be by a driveway that serves the farm unit. A separate access driveway servicing an on-farm diversified use shall not be permitted; and
- g) An on-farm diversified use shall not be placed in a separated zone category in the implementing Zoning By-law, but rather shall be considered as a permitted use in the Agricultural Zones established in the Zoning By-law. The Zoning By-law shall establish provisions for on-farm



diversified uses that are consistent with the criteria in this section.

These criteria are reviewed in Section 4.7 of this Report.

Existing lots of record are to be recognized in order that building permits for residential purposes can be obtained by on compliance with the provisions of the Zoning By-law as amended.

Based on this review, it is our opinion that the uses proposed are agriculturally related uses or benefit from their location on the subject lands. The uses which attract people to the site may be considered on-farm diversified and will be assessed based on their compliance with the criteria outlined in the Official Plan. These uses are located on lands currently not used for or capable of being used for agricultural production. Vehicular traffic will be restricted to farm employees and cabin guests. Shuttle services will be used to transport groups on a pre-determined basis for site visits, farm tours and education programs. Shuttles will depart from multiple locations downtown.

On this basis, it is our opinion that the proposed HopeTowns Farm Hub complies with and is permitted on the subject lands in accordance with the Municipal Official Plan.

5.6 Municipality of Port Hope Zoning By-law 20/2010

Schedule B-15 zones the subject lands as Agricultural (A) Zone with an overlay for lands susceptible to flooding (EP-F).

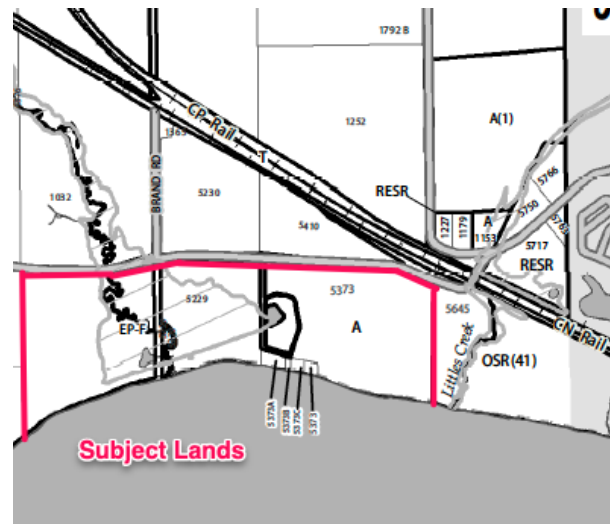


Figure 7 - Excerpt from Municipality of Port Hope Zoning By-law, Schedule B-15

Section 4.3 provide regulations for Accessory Farm Employee Accommodation. The accessory accommodations are to be located within 30 metres of a single detached dwelling or barn on the same lot and shall only be located on a lot with a minimum lot area of 40 hectares and shall share



the driveway that is utilized by the principal use on the lot.

The proposed employee/guest cabins are proposed to be located on lands not used for agriculture and to be limited to a total of 10 cabins. A site-specific exception will be required to define this use and permit these employee/guest cabins.

Section 4.10 requires Frontage on a Public Street but does make an exception for a Private Street within a Plan of Condominium. The proposal is to establish a Common Element Condominium to provide access to the existing lot in the south-east corner of subject lands. This will allow the construction of a residence and will maintain these lands as a separate transferable lot.

Section 4.19.1 makes an exception for Non-Complying Lots which were in existence prior to the effective date of this By-law that do not meet the lot area and/or lot frontage requirements are permitted to be used and buildings and structure thereon be erected, enlarged, repaired or renovated provided the use conforms with this By-law and the buildings or structures comply with all of the other provisions of the By-law. This provision is to be used to allow the erection of a residence and accessory structures on the shoreline lots when access by a common element condominium road has been approved. The zoning amendment will include the lots labelled as Thomas 3 & 4 in order that they may be considered for this form of development. The Municipality will maintain control through the approval of the Common Element Condominium access.

Section 5.3 sets out the Non-Residential Parking Requirements in Table 5.2. The parking will be provided for employee and guest parking. Provision has been made for a central area of 20 parking spaces. Based on the use of cabins by either employees or guests this provision will provide sufficient parking for the regular users of the site. Provision is also proposed for parking of the shuttle in a central location which will transport visitors from Downtown Port Hope. For any special events provision will be made for overflow parking on the grassed areas near the entrance.

Section 5.7 does not require Loading Spaces for lands in the Agricultural Zone, although site design should consider their provision in areas where loading is likely to occur.

Part 9 – Countryside Zones sets out the zone requirements for the Agricultural (A) Zone. The permitted uses are listed in Table 9.1 (*Attachment 1*). Table 9.2 (*Attachment 2*) sets out the Zone Standards. Please see the attached Compliance Table (*Attachment 3*). The property identification is as per the Concept Plan. Those properties which do not have public road frontage do front on Lake Ontario and the frontage is indicated as such. The areas of the properties are less than the minimum lot area for the Agricultural Zone but these properties are legal non-conforming with respect to area as they existed prior to the adoption of the Zoning By-law. Similarly, the structures on the properties are legal non-conforming with respect to setbacks and yard measurements. The owners of the cottage properties have been advised that our discussion with the Conservation Authority Staff indicated that the structures should be moved back from the shoreline. Provision has been made for lot line adjustments in the future, to accommodate the relocation.



6. SITE DEVELOPMENT REVIEW

The introduction of the kitchen/dining area and on Farm culinary activities will require water supply and sewage disposal. The proposal is to create a private water source based on ground water. A review of adjacent well records indicates that a local fresh-water aquifer exists above the limestone bedrock at depths of 10 to 20 metres. In the event that the groundwater source proves insufficient a lake-water source is possible.

Septic systems can be established in areas removed from the hydrologic features. Composting toilets are also being investigated.

The rail line north of Lakeshore Road is located within 30 metres of the subject lands. This is the location at the eastern end. The closest cabin to the railway right-of-way is 250 metres and the Barn housing the kitchen and dining area is 330 metres from the railway right-of-way. On this basis, the proposed uses are well removed from the railway right-of-way. The railway will have limited impact on the proposed uses based on this separation distance.

7. PROPOSED ZONING BY-LAW AMENDMENT

Based on the above review, the Zoning By-law Amendment is required to recognize the legal non-conforming status of the properties and allow the proposed farm-related uses and on-farm diversified uses. Specifically, the uses to be permitted are the meeting building/kitchen which we suggest is farm-related and the employee/guest cabins which are both farm related and on-farm diversified. We also recommend that with the approval of the common element condominium road, the Bracken 2 property be recognized as eligible for a residential building permit. The Draft Zoning By-law Amendment is attached as Attachment 4 has been updated and submitted separately.

SECTION 2: COMMON ELEMENT CONDOMINIUM APPLICATION

1. DESCRIPTION OF THE PROPOSAL

Cloverlark Enterprises, in conjunction with HopeTowns Community Ventures (HCV), is a community accelerator committed to the Cultural, Ecological, Social, and Economic health of rural communities. Cloverlark aims to restore the historic, cultural connection between heritage main streets and the agricultural environments that created them, with a goal to create a Cultural Destination through the combination of Regenerative Agriculture, Hospitality, and the Arts. In a Cloverlark/HopeTowns Community, there will be two “Hubs” in which Agriculture, Hospitality and Arts will play a transformative role:

- a) **A Farm Hub** situated on an important agricultural watershed, will provide a showcase for regenerative agricultural practices, and a small eco-retreat for farm-based hospitality.



b) **A Town Hub** situated in restored heritage-built environments, will function as the “*marketplace*” for R.E.A.L. Food (Regenerative. Enjoyable. Authentic. Local.) produced throughout the community; a culinary and hospitality centre; and, at its heart, a multi-disciplinary cultural hub.

Port Hope will be the prototype community and HCV has secured a heritage building in the downtown area to be the heart of the Town Hub. The properties located at 5373 and 5229 Lakeshore Road will, together, become the Farm Hub. Efforts will be undertaken to restore the building(s) which make up the Town Hub and the same will be done on the Lakeshore Road properties to establish the Farm Hub. The principal focus for the Lakeshore Road properties is to return active farming to these lands using regenerative agricultural practices and to ultimately create a showcase for this type of farming. Additional accommodation options for staff will be required and these accommodations can be rented, when available, to create an additional revenue stream. A farm kitchen will also be required to prepare and serve food for the farm staff and for guests. Other than these additional components, efforts will focus entirely on the operation of the farm. For reasons explored in detail in this application, the access road for the farm and the neighboring cottage properties needs to be relocated.

The new access road is designed to reroute traffic to preserve wetlands and enhance on-farm uses and practices and to also provide access to the vacant lot of record and enable it to be developed with a residence and accessory buildings. The access road will also improve access to the existing cottage lots through connection to the existing access easement. This will afford improved access for property owners, as well as on-farm activities, and will provide a means of sharing the cost of maintenance and upkeep between the benefiting parties.

2. ACCESS ROAD LOCATION (**Images are for illustrative purposes only*)

The current access road location (*Image A*) runs from Lakeshore Road south towards the water and curves to the east where it runs adjacent to each of the three cottage properties, before turning north and ultimately looping back upon itself. This road runs through a wet area, is often flooded, and has deteriorated over the years. It is also a difficult road for the cottage owners to navigate during any kind of wet weather.



Image A - Current Road Location



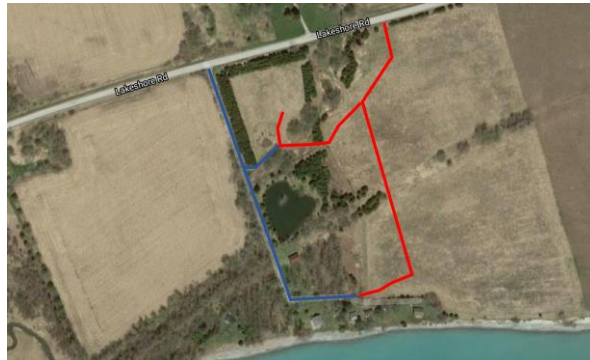


Image B - Proposed Road Location

Cloverlark proposes relocating the road to a new location (*Image B – new road in red*), where it will better serve the operations of the farm and provide improved access for the cottage owners. The access point from Lakeshore Road will be located further east on the property line and it will wind southwards and westwards culminating at the eastern border of the westernmost cottage property. It will also feature an arm at the northern end of the property to allow farm vehicles to access the greenhouse areas and to allow for staff and guest parking. ***The existing access will be accessible by farm and car traffic and will be reserved for emergency access in the event that the new access lane is blocked.*** The proposed new access road will be wide enough to accommodate two-way traffic and will be the main avenue for cottage owners and farm vehicle traffic.

3. VEHICULAR TRAFFIC IMPACT

The success of the Farm Hub operation depends on the preservation of the farm aesthetic throughout the property. The farm operations need to be able to be carried out unimpeded, and the appeal of the eco-lodge/cabins will offer a limited number of guests the unique experience of accommodation within a pastoral and fully functioning regenerative farm operation. As such, there will be no direct vehicular public access to the cabins. There will never be more than twenty guests staying on the property, as each cabin only accommodates two people. The proposed access road will be used for the cottage owners and farm staff. Eco-lodge guests will park near the north end of the property and will not use their cars while on the property. Public access will be available through a series of paths for foot, bicycle and equestrian traffic winding through the heart of the Farm Hub. Ideally, these paths will one day be part of a Lakeshore path connecting downtown Port Hope to the historic village of Wesleyville. Farm walking tours will be coordinated on a limited basis and will feature an electric-powered shuttle bus to transport guests from downtown Port Hope. School walking tours will be available on a limited and small-scale basis. For these tours, the electric-powered shuttle will be utilized wherever possible, and a single school bus will be allowed on the property when the shuttle is not feasible. The bus will park at the north end of the property near the staff parking area. See Attachment 6 - Traffic Brief for further detail.



4. Review of PLANNING Documents

4.1 Planning Act

New land uses must comply with Provincial and local planning documents. The Planning Act provides the process for regulating and considering changes in land use. Section 51(24) outlines the criteria for condominium approval. Our review of these criteria is provided in *Attachment 7*.

The following sections outline the considerations required for approval of land use changes that are proposed with the approval of a common element condominium laneway.

4.2 Provincial Policy Statement 2020

The Provincial Policy Statement was approved and came into effect May 1, 2020. It replaces the Provincial Policy Statement issued April 30, 2014. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.1.4 provides policy for Rural Areas in Municipalities, such as the subject lands. It states: *“Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.”*

Section 1.1.4.1 promotes healthy, integrated and viable rural areas by:

- (a) building upon rural character, and leveraging rural amenities and assets;
- (f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- (i) providing opportunities for economic activities in prime agricultural areas, in accordance with Policy 2.3.

Section 1.1.5.2 includes as permitted uses on rural lands:

- (a) the management or use of resources;
- (d) agricultural uses, agricultural-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards.

Section 2.3.3 lists permitted uses in Prime Agricultural Areas as agricultural uses, agricultural-related uses and on-farm diversified uses. These uses are to be compatible with and shall not hinder, surrounding agricultural operations.

It is our opinion that the establishment of the relocated access road is in keeping with the language of the above-noted sections and will enable the more appropriate and effective use of the existing lots of record, provide an alternative and less intrusive flow of vehicular traffic through the



property, including to the existing cottages, and substantially increase the effectiveness of the farm practices.

4.3 Greater Golden Horseshoe Growth Plan

The Growth Plan for the Greater Golden Horseshoe was prepared and approved under the Places to Grow Act, 2005 to take effect on May 16, 2019. Amendment 1 (2020) to the Growth Plan took effect on August 28, 2020.

Consistent with the Provincial Policy, Section 2.2.9 provides that rural land uses may include uses for the management or use of resources and uses that are compatible with the rural landscape and surrounding local land uses; that can be sustained by rural service levels and will not adversely affect the protection of agricultural uses and other resources-based uses.

Section 4.2.6 provides policy for the Agricultural System and encourages municipalities to support access to healthy, local and affordable food, urban and near-urban agriculture, food system planning and promoting the sustainability of agricultural, agri-food and agri-product businesses, while protecting agricultural resources and minimizing land use conflicts.

It is our opinion that the proposal to relocate the access road and introduce a common element condominium access road is in keeping with the objectives of supporting local food production, minimizing land use conflicts and will not adversely affect the protection of agricultural uses and other resource-based uses.

4.4 County of Northumberland Official Plan

The County Official Plan was approved by the Ontario Municipal Board on November 23, 2016. Schedule A designates the subject lands as Agricultural Area.

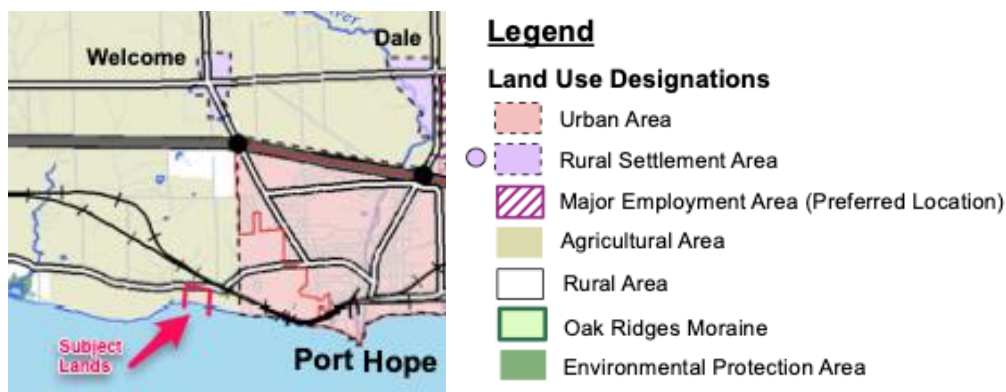


Figure 5 - Excerpt from Schedule A, County Official Plan

Section A3.3 makes it clear that the Agricultural Area designation is considered to be the County's



Prime Agricultural Area.

Section C3 provides Objectives and Policy for the lands designated Agricultural Area. The proposed access will provide access to the existing lots of record, allowing it to develop as an agricultural property. While acknowledging that the property does not meet the minimum lot size referenced in the Official Plan as 40 ha (100 ac), the proposed use will allow an intensive agricultural use in keeping with the objective of supporting local food production and self-sufficiency.

Based on this review, it is our opinion that the proposed condominium access is permitted subject to the policies of the local Official Plan.

4.5 Municipality of Port Hope Official Plan

Official Plan Amendment No. 7 was an update of the original Official Plan. It was approved by a formal order of the Ontario Municipal Board issued on January 10, 2017.

Schedule C designates the subject lands as Agricultural – Prime.

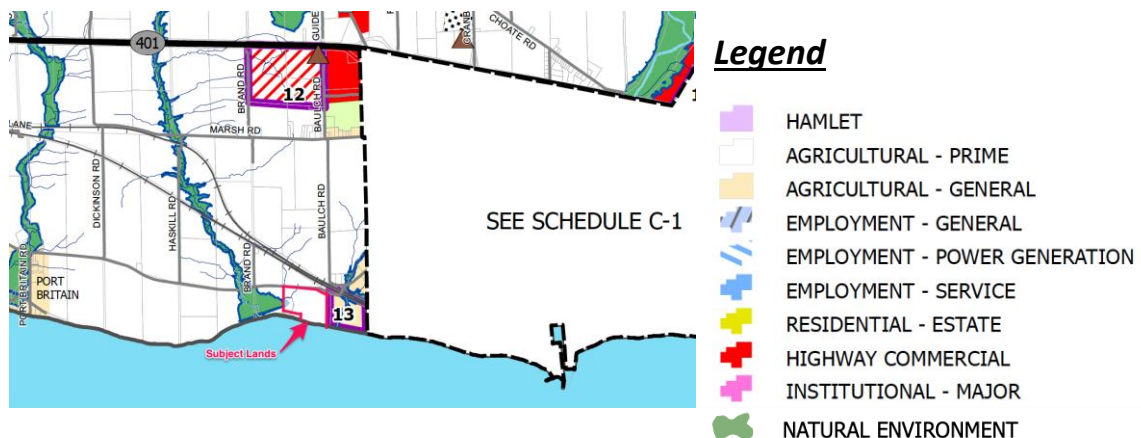


Figure 6 - Excerpt Schedule C, Municipality of Port Hope Official Plan

Section D7.1 provides policy for the consideration of changes to land use in the Prime Agriculture designation. The General Statement indicates that the predominant form of land use within the Prime Agriculture designation shall be agricultural and agriculture-related uses. All types, sizes and intensities of agricultural uses and normal farm practices are to be promoted and protected.

Existing lots of record are to be recognized and building permits for residential purposes, provided the lot complies with the provisions of the implementing Zoning By-law.

Based on this review, it is our opinion that the provision of a Common Element Condominium access road will ensure that the predominant use of the surrounding lands will be agricultural and



agricultural-related uses by improving vehicular access and traffic flows and is consistent with the policy of the Municipal Official Plan.

4.6 Municipality of Port Hope Zoning By-law 20/2010

Schedule B-15 zones the subject lands as Agricultural (A) Zone with an overlay for lands susceptible to flooding (EP-F).

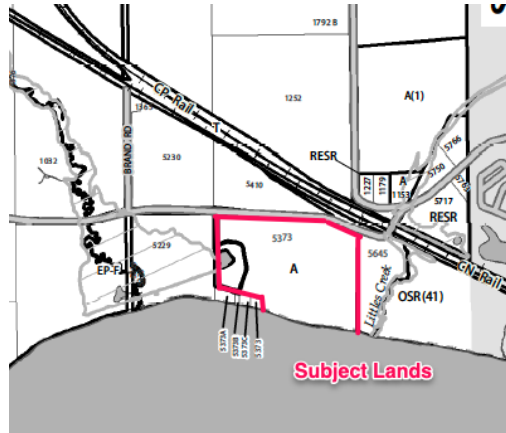


Figure 7 - Excerpt from Municipality of Port Hope Zoning By-law, Schedule B-15

Section 4.10 requires Frontage on a Public Street but does make an exception for a Private Street within a Plan of Condominium. The proposal is to establish a Common Element Condominium to provide access to the existing cottages and the lot in the south-east corner of subject lands. This will allow the construction of a residence and maintain these lands as a separate transferable lot.

Section 4.19.1 makes an exception for Non-Complying Lots which were in existence prior to the effective date of this By-law that do not meet the lot area and/or lot frontage requirements are permitted to be used and buildings and structure thereon be erected, enlarged, repaired or renovated provided the use conforms with this By-law and the buildings or structures comply with all of the other provisions of the By-law. This provision is to be used to allow the erection of a residence and accessory structures on the shoreline lot.

5. OWNERSHIP

The properties to be included in the Condominium Declaration are listed below by assessment roll number and are included in the Condominium Directory – Attachment 5:

- 142322303005601 north portion
- 142322302005601 south portion
- 142322302001800 private cottage
- 142311302002200 private cottage



The Declaration will include a detailed definition of the Cost Sharing Agreement between these properties. Cloverlark Enterprises will manage the application and the on-going responsibilities of the condominium. The Declaration will outline the financial responsibilities of each owner in the event of major road renovations as well as any parking restrictions. All the property owners involved in the condominium corporation agree with the proposal and support the development of a new and considerably improved access road.

Once the Condominium Application has been approved, the condominium corporation will develop governance documents, including by-laws, to govern the management of the corporation. These documents will be developed by Cloverlark’s legal counsel and will be reviewed and approved by representatives for each of the POTLs. Once agreed upon, the documents, including the by-laws, will be published and distributed to the POTLs. The by-laws will cover the general operations of the condominium corporation, any major renovations to the road, parking, and all other relevant governance requirements. The lawyers will utilize existing documentation templates from other condominium structures in the Port Hope and Cobourg area. The Municipality will not be included in the condominium corporation as all involved properties are private lands.

6. REVIEW OF CONCEPT

As illustrated on the attached figure, the subject lands are divided into two existing lots of record. The southern lot is intended to be transferred to an individual owner. While this lot does not fully comply with the Zoning By-law with respect to lot area, since it is a lot of record, it would be considered to be legal non-complying and would be eligible for building permits for uses permitted in the Zoning By-law. The shoreline lot does not front on a public road. Access is proposed by a Common Element Condominium for a laneway across the intervening lands. Access across the road allowances would also be required.

The existing easement that provides access to the existing cottages on the lakeshore would form an alternate access in the event of emergency.

The access has been constructed and is located on open lands to reduce the remove of vegetation. The easement does not cross any drainage features however, the lane will cross an area of mild slope and a shallow swale will be required to carry runoff from the adjacent lands to the west. A culvert to direct this drainage to the shoreline and the outlet will require erosion protection.

There will be limited impact on adjacent agricultural lands as a result of the minor area of productive lands to be removed. No livestock facilities were identified within 750 metres of the subject lands and therefore, an MDS review is not required.

The subject lands are home to species of threatened and endangered wildlife and contain several areas of significant wetlands. These features are considered assets to the operations of the project and will be protected at all costs. As illustrated on the Condominium Plan, the proposed road does not intersect any natural areas or features and will not impact any wildlife habitat areas or wetlands



on the subject lands.

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 had originally requested 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 request is no longer valid as the applicant has not yet completed the process of obtaining ownership of that portion of the road allowance required to complete the Condominium registration. A set of conditions has been provided to assist in the draft approval of the condominium.

Sincerely,



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

FIGURES

1. Concept Plan (attached to the report)
2. Soils Map (within the report)
3. Conservation Authority Regulated Areas (within the report)
4. a. Farm Lodge (cottage) and Farm Kitchen (within the report)
b. Eco Cabins, Cottages, Farm Barn and Farm Kitchen (within the report)
5. Excerpt from Schedule A, County Official Plan (within the report)
6. Excerpt from Schedule C, Municipal Official Plan (within the report)
7. Excerpt from Schedule B-15, Municipal Zoning By-law (within the report)
8. Draft Plan of Condominium (attached to the report)

ATTACHMENTS

1. Permitted Uses in Countryside Zones
2. Zone Standards in Countryside Zones
3. Zoning Compliance Table
4. Draft Zoning By-law & Schedule
5. Condominium Directory
6. Traffic Brief (*prepared by Asurza Engineers*)
7. Review of Planning Act Section 51(24)
8. Response to MPH Comments Memo-August 26-2021

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Attachment 1- Permitted Uses in Countryside Zones

Table 9.1: Permitted Uses in the Countryside Zones

USE	A	RU	ORM- C	ORM- EP	ORM- MX	ORM- L	ORM- RU	O F
Aggregate Transfer Station					X			
Agricultural Use	X	X	X			X	X	
Bed and Breakfast Establishment	X	X	X			X	X	
Boarding or Rooming House	X	X						
Conservation Use	X	X	X	X (2)	X	X	X	
Custom Workshop	X (3)	X (3)						
Dwelling, Single Detached	X	X	X (H5)	X (H5)	X (H5)	X (H5)	X (H5)	X
Equestrian Centre	X	X						
Farm Employee Accommodation, Accessory	X (4)	X (4)						
Farm Produce Outlet, Accessory	X	X				X	X	
Farm Related Tourism Establishment	X	X						
Farm Vacation Home			X			X	X	
Forest Management	X	X						
Group Home Type 1	X (5)	X (5)						
Home Industry	X (6)	X (6)						
Home Occupation	X (3)	X (3)	X (3)			X (3)	X (3)	X
Kennel		X (1)						
Mineral Aggregate Resource Operation					X			
Park, Public	X	X	X	X (2)		X	X	
Private Home Daycare	X	X	X			X	X	
Legal existing uses on November 15, 2001			X	X	X	X	X	

SPECIAL PROVISIONS

1. Only legally existing *uses* as of the date of passing of this By-law.
2. No *buildings* or *structures* are permitted, unless for flood or erosion control.
3. Subject to Section 4.13 (*Home Occupations and Custom Workshop*) of this By-law.
4. Subject to Section 4.3 (*Accessory Farm Employee Accommodation*) of this By-law.
5. Subject to Section 4.36.1 (*Special Setbacks – Group Homes*) of this By-law.
6. Subject to Section 4.12 (*Home Industries*) of this By-law.



Attachment 2 - Zone Standards in Countryside Zones

Table 9.2: Zone Standards in the Countryside Zones

<i>Zone</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Lot Area</i>	<i>Minimum Required Front Yard</i>	<i>Minimum Required Exterior Side Yard</i>	<i>Minimum Required Interior Side Yard</i>	<i>Minimum Required Rear Yard</i>	<i>Maximum Height</i>	<i>Maximum Lot Coverage</i>
A	165.0 m	40.0 ha	15.0 m	15.0 m	15.0 m (1)	15.0 m	10.0 m	10% (2)
RU	165.0 m	40.0 ha	15.0 m	15.0 m	15.0 m (1)	15.0 m	10.0 m	10% (2)
ORM-C (3)	165.0 m	40.0 ha	15.0 m	15.0 m	6.0 m	15.0 m	12.0 m	30% (4)
ORM-EP (3)	165.0 m	40.0 ha	15.0 m	15.0 m	6.0 m	15.0 m	12.0 m	30% (4)
ORM-L (3)	165.0 m	40.0 ha	15.0 m	15.0 m	6.0 m	15.0 m	12.0 m	30% (4)
ORM-MX (3)	165.0 m	40.0 ha	30.0 m	30.0 m	15.0 m	15.0 m	n/a	30% (4)
ORM-RU (3)	165.0 m	40.0 ha	15.0 m	15.0 m	6.0 m	15.0 m	12.0 m	30% (4)
ORM-RS (3)	30.0 m	2,800.0 m ²	10.0 m	10.0 m	6.0 m	10.0 m	12.0 m	30% (4)

SPECIAL PROVISIONS

1. *Minimum required interior side yard for a single detached dwelling – 6.0 metres.*
2. *Maximum lot coverage for a single detached dwelling – 30%.*

