



Municipality of Port Hope

Public Meeting Report

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Report Title: ZB03-2022 – Zoning By-law Amendment Application 3402 Ganaraska Road

Report to: Planning & Development Committee

Date of meeting: December 14, 2022

Report Author:

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Department responsible:

Planning & Development

Report Number: PD-38-22

Planning Report ZB03-2022 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13.

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning & Development Department on the proposed application. Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the municipal website.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Port Hope before the by-law is passed, the person or public body is not entitled to appeal the decision of Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Staff do not make a recommendation, nor does Council make a decision at this Public Meeting.

Highlights:

- The applicant is proposing to rezone the subject lands from 'IR(2)' Zone to a site specific Development 'D' zone to permit a year-round farm market store, café/bakery with commercial kitchen and recognition of the current legal non-conforming agriculture activities (excluding livestock facilities). The applicant is also proposing to permit other potential future uses including a single detached dwelling, accessory farm employee accommodation, accessory buildings or structures, a home occupation, farm-related tourism establishment and community garden.

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- This report prepared for the Statutory Public Meeting provides an overview of the subject lands, describes the proposed application, includes an analysis of the current planning policy framework and presents any comments received to date.

Purpose:

The purpose of the report is to present background information related to the proposed Zoning By-law Amendment application submitted by the landowners Jamie and Kristin Ferguson.

This report has been prepared for the Statutory Public Meeting for the proposed Zoning By-law Amendment application and it provides an overview of the subject lands, describes the proposed development application and includes an analysis of the current planning policy framework. The report also includes all the comments submitted to date from agencies and departments as well as the public.

Background:

1.1 Site and Area Description

The subject lands are located north of Ganaraska Road and east of Hammill Road in the Hamlet of Garden Hill the rural area of the Municipality of Port Hope (Figure 1: Subject Lands Map). The subject lands are legally described as Part of Lot 18 Concession 8, being Part 1 of Registered Plan 39R-14123 and municipally known as 3204 Ganaraska Road. The subject lands have a lot area of 4.34 ha (10.72 ac) with 206.12m (676.24ft) of frontage on Ganaraska Road.

The site is currently occupied by active agricultural fields with trees separating the property from the neighbors and a single storey building having an area of 440m² which has been erected in the Summer 2022 without a building permit. The site slopes from north to south and runoff from the site enters an unnamed creek which is located roughly 50m north of the site. This unnamed creek flows into the Garden Hill Reservoir, located 300m to the east.

Land uses adjacent to the subject lands include religious retreat (Ganaraska Woods) to the north, farm fields to the south, single detached dwellings to the east and single detached dwellings and elementary school (North Hope Central School) to the west.

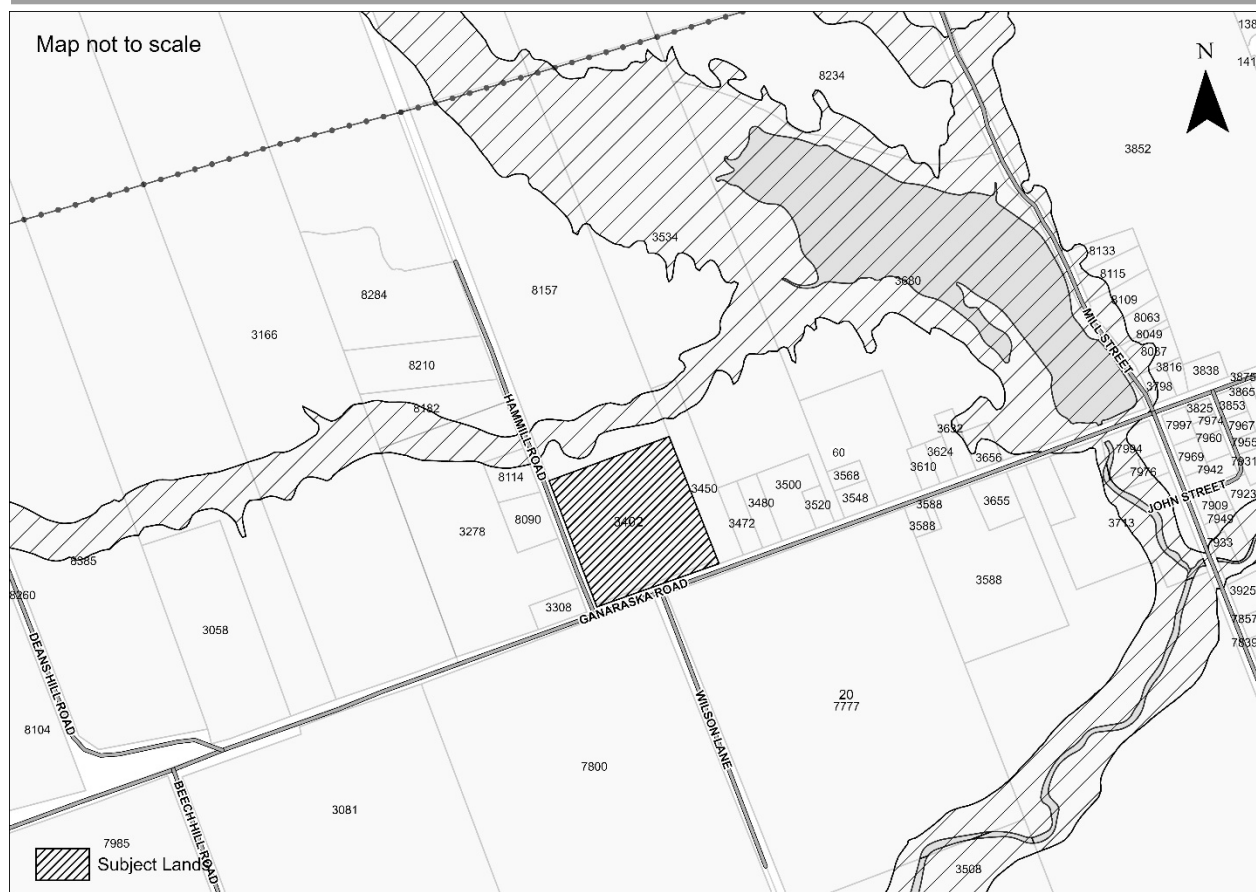


Figure 1: Subject Lands Map

1.2 History:

The subject lands were severed in 2020 from the northern portion of the property municipally known as 8157 Hammill Road and have been farmed as cropland for over 50 years.

Under the former Zoning By-Law 3350 (Township of Hope, 1991) the property was zoned Rural Exception #2 which permitted a church and accessory buildings *in addition* to the standard rural uses. Rural uses included a farm, single detached dwelling and seasonal/temporary farm produce retail sales outlet.

In the 1993 Official Plan of the Township of Hope, 8157 Hammill Road was designated as 'Priority Agricultural Lands'. The intent of this designation was to protect land suitable for agricultural production from scattered development and land uses unrelated to agriculture. However, the 2006 Official Plan which was adopted by the Council of Municipality of Port Hope changed the designation of the southern portion from 'Priority Agricultural Lands' to 'Hamlet'. This hamlet designation was carried forward to the current 2014 Official Plan

In order to align with the new Official Plan Designation, Zoning By-law 20/2010 placed the property into Rural Institutional Exception #2 'IR(2)' Zone. Staff acknowledge that a minor administrative error was made in the zoning when the comprehensive Zoning by-law 20/2010 was adopted in 2010. "A Place of worship" and "accessory guest house" should have been Additional Permitted Uses instead of Only permitted uses.

In the Institutional Rural zone, agricultural uses are not permitted as of right. However, staff notes that the agricultural use of the property appears to be a legal non-conforming use and may continue as such. Staff acknowledges the history of the property as agricultural crop lands and past 'Rural' Zoning which permitted farm/agricultural use.

1.3 Application:

The subject lands are currently designated "Hamlet" in the Municipality of Port Hope Official Plan and are zoned Institutional Rural Exception #2 'IR(2)' by Zoning By-law 20/2010, as amended.

The applicant is proposing to rezone the subject lands from 'IR(2)' Zone to a site specific Development 'D' zone to permit the following:

- Year-round farm market store
- Café / Bakery with commercial kitchen
- Recognition of the current legal non-conforming agriculture activities (excluding livestock facilities)
- New potential future uses to include:
 - a single detached dwelling
 - accessory farm employee accommodations,
 - accessory buildings or structures,
 - a home occupation,
 - farm-related tourism establishment,
 - community garden.

As noted above, the subject lands were severed in 2020 from the northern portion of the property municipally known as 8157 Hammil Road. Prior to the formal consent application, the proponent attended a Pre-Consultation meeting in November 2019 to discuss the development plans on the severed portion (currently the subject lands) which included vegetable farming followed by the construction of a year-round farm market and a commercial kitchen. At that time, staff noted rezoning application with hydrogeological assessment and site plan approval would be required for the future use of a farmer's market building, prior to seeking a building permit. This was further confirmed in the Staff Report for Consent Application, dated February 11, 2020 and correspondence with the applicants on October 8, 2020 (**See Attachment 1 and 2**).

Staff notes that the applicant originally proposed the construction of a year-round farm produce outlet/market garden including café which was the subject of all consultations with staff since 2019. In August 2022, the most recent iteration of the application and Planning Justification Report submitted by the applicant included a new proposal to rezone the subject lands from Institutional Rural, Exception #2 'IR (2)' to a site-specific

Development 'D' Zone that will permit the above-mentioned potential future uses in addition to the previously requested uses (i.e. vegetable farming followed by the construction of an year-round farm market and a commercial kitchen). This was the first occasion that the above listed new potential future uses have been requested by the applicant. To that regard staff has requested the applicant to provide further information on these potential future uses.

A Site Plan application is also submitted for the farm produce outlet/market garden, including café and is being processed in conjunction with the Zoning By-law amendment application.

1.4 Documents Submitted in Support

The application was deemed complete on August 26, 2022 and circulated to agencies for review. The application submission contained the following documents:

- Application form
- Recent survey prepared by an Ontario Land surveyor
- Site Plan, Monument Geomatics, October 5, 2022
- Construction drawings
- Grading and Stormwater Management Plan, Monument Geomatics, August 11, 2022
- Site Drainage Letter, Monument Geomatics & Estimating Inc., August 10, 2022
- Desktop Hydrogeological Assessment, C.F. Crozier and Associates, August 29, 2022
- Traffic Impact Study, D.M. Wills, March 9, 2022
- Planning Justification Report prepared by Jamie and Kristin Ferguson, August 26, 2022

All studies, reports, and drawings can be found on the Municipality's Current Planning applications page at <https://www.porthope.ca/en/business-and-development/current-planning-applications.aspx#ZB03-2022-3402-Ganaraska-Road>. Staff and commenting agencies have reviewed these studies and their comments have been summarized later in this staff report.

Servicing:

Desktop Hydrological Assessment prepared by C.F. Crozier and Associates is submitted by the applicant in support of the application to demonstrate how the site will be serviced with sewage and water systems. The study concludes that the water demands of the development can be supported via the newly constructed water supply well without impacting existing water wells in the area. However, the study outlines that proposed development includes the construction of a market building and provides this conclusion based on the market building only. Staff notes that none of the other potential future uses including single-detached dwelling, farm employee accommodation, accessory buildings or structures etc. are considered in the study.

Stormwater Management Letter/Site Drainage Letter prepared by Monument Geomatics only investigated the impacts of the construction of farmer's market building on the drainage pattern. Staff notes that the impact of other potential future uses on the drainage of the site was not included in the letter.

Traffic:

Traffic Impact Study prepared by D.M. Wills evaluated the impacts of the proposed Garden Hill Farmers Market on traffic operations of County Road 9 and concludes that the new trips generated by the development will have no impact on County Road 9 at the entrance of the development in the existing or the future scenarios. However, none of the other above-mentioned uses are evaluated in this study.

Policy Review:

This section provides a high-level analysis of relevant provincial and municipal land-use and development policies that apply to the proposed applications.

1.5 Provincial Policy Statement (PPS)

The PPS is an important part of Ontario's land use planning system, setting out the provincial land use policy direction that guides municipal decision making. Municipalities play a key role in implementing provincial land use policies through local official plans, zoning by-laws and other planning decisions. The *Planning Act* requires that decisions on land use planning matters be consistent with PPS policies.

The PPS indicates that the vitality of rural settlement areas (which include hamlets) is critical to the long-term economic prosperity of communities. The PPS directs the focus of growth and development to the settlement areas. Land use patterns within settlement areas should promote the efficient use of land and be based, in part, on accommodating an appropriate range and mix of land uses at appropriate scales suitable for hamlets that efficiently use land resources.

With respect to servicing, the PPS directs that municipal services are the preferred form of servicing for settlement areas. Private individual and partial services may be permitted for infilling and minor rounding out.

1.6 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020)

The Growth Plan informs decision making regarding growth management and environmental protection in the Greater Golden Horseshoe. Section 2.2.9.1 of the Growth Plan encourages municipalities to plan for a variety of cultural, and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.

Section 2.2.9.4 of the Growth Plan states that where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the

surrounding rural landscape, and may include: a) commercial uses to serve the needs of visitors; and b) where appropriate, resource-based recreational dwellings for seasonal accommodation.

1.7 County of Northumberland Official Plan

The County of Northumberland Official Plan provides land use policies at a regional level. The County OP designates the subject property as “Rural Settlement Area” (Hamlet of Garden Hill). “Rural Settlement Area” provide for a mix of residential options supported by servicing; commercial uses supportive of the local residents and area; employment uses that provide for local needs; and sustainable, diversified tourism. The County OP also permits existing agricultural uses within rural settlement areas.

County OP policies allow existing agricultural land uses within a hamlet as well as a range of commercial uses that can support local residents and the surrounding area.

1.8 Port Hope Official Plan

In Schedule C of the Official Plan, the subject lands are designated as ‘Hamlet’. As per Section D2.2 of the Municipal Official Plan, a mix of suitable residential, commercial, community facilities, and small scale industrial uses developed on private sewage and water systems at appropriate densities and sizes is encouraged within the Hamlet designation.

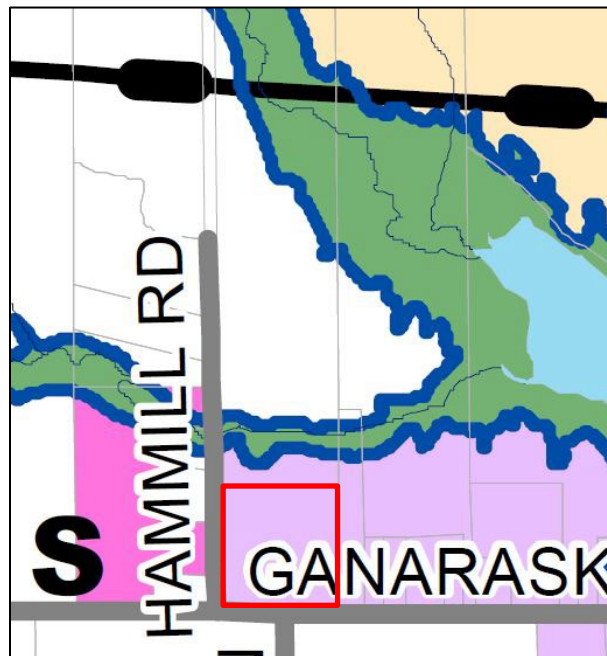


Figure 2: Excerpt from Official Plan Schedule C

The predominant form of land use in Hamlet designation is single detached dwellings. Other residential permitted uses include multiple-unit residential development; apartments units above the first floor of a retail commercial use provided that a detailed hydrogeological study confirms an adequate supply of groundwater and the ability of the

site soils to assimilate the wastes from the septic systems. A home occupation is also be permitted as an accessory residential use.

Section C12.1.2 of the Official Plan sets out the servicing policy in the Hamlet and Rural Areas where all development is to be served by private sewer and water systems. Adequate on-site supply of potable groundwater must be demonstrated. On-site soils and lot sizes must also be determined to be adequate for proposed sewage disposal systems. A detailed hydrogeological study is required to determine that the proposed septic system and wells do not have any negative effects of surrounding uses.

The applicant has submitted Desktop Hydrological Assessment to demonstrate how the site will be serviced with sewage and water systems. The study concludes that the water demands of the development can be supported via the newly constructed water supply well without impacting existing water wells in the area. However, the study outlines that proposed development includes the construction of a market building and provides this conclusion based on the market building only.

As per Section C12.1.3, all developments shall provide adequate stormwater management facilities as approved by the Municipality and the GRCA. Further, such facilities must be designed to protect adjacent watercourses and land uses from any negative impacts of the stormwater run-off. The applicant has submitted Stormwater Management Letter/Site Drainage Letter which only investigated the impacts of the construction of farmer’s market building on the drainage pattern. GRCA and Northumberland County comments regarding Desktop Hydrogeological Assessment and Stormwater Management letter have been provided to the proponent.

1.9 Zoning By-law

The subject lands are zoned Institutional Rural with Exception #2 ‘IR(2)’ by Zoning By-Law 20/2010, as amended. The current exception on the zone permits only “a place of worship” and “accessory guest house”.

Staff notes that there was an administrative error when the comprehensive Zoning by-law was adopted in 2010 and permitted uses with respect to the Rural Institutional, Exception #2 Zone. Currently, the zoning states that a place of worship, and accessory guest house are ‘Only Permitted Uses’ under the ‘IR(2)’ Zone. The correct zoning is to have “a place of worship” and “accessory guest house” as ‘Additional Permitted Uses’ not ‘Only Permitted Uses’ (see **Table 1**).

Table 1: IR(2) Site Specific Exception

Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
IR	2 (3350) (B-24)		(i) <i>Places of worship;</i> (ii) <i>Guest house, accessory.</i>		(i) <i>Maximum lot coverage for all buildings – 10%</i> (ii) <i>Minimum required landscaped open space – 30%</i>

It is worth noting that this error has no bearing on the proposed future development of the property. The year-round farm market outlet was not permitted under the 'RU(2)' zone of the former Township of Hope Zoning By-law 3350 (1991), nor in the Institutional Rural 'IR' Zone of the current Zoning By-law 20/2010. This has been communicated from the earliest consultations with the applicant that in order to permit the uses in accordance with their development plans, the rezoning of the property would be required.

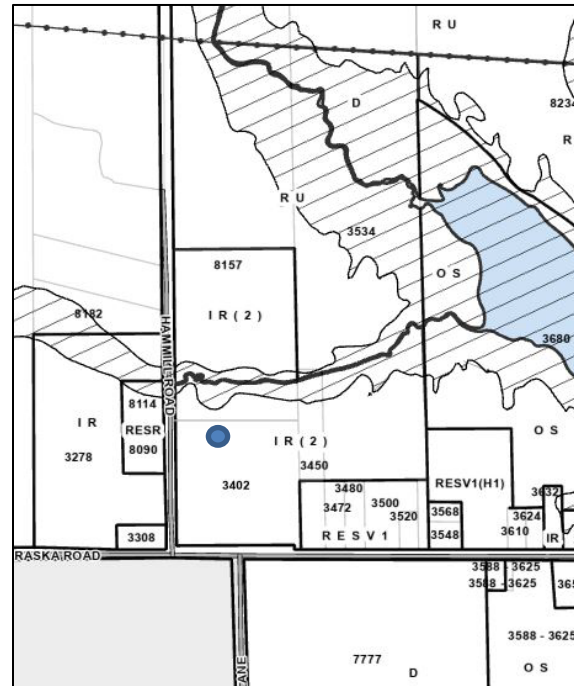


Figure 3: Excerpt from Schedule B- Sheet 23

In the Institutional Rural zone, agricultural uses are not permitted as of right. However, staff notes that the agricultural use of the subject property appears to be a legal non-conforming use and may continue as such. Staff acknowledges the history of the property as agricultural crop lands and past Rural zoning which permitted farm/agricultural use.

In the most recent application submission in August 2022, the owner stated in the Planning Justification Report that he would like to rezone the subject lands from Institutional Rural with Exception #2 'IR (2)' to site specific Development 'D' Zone that will permit the following:

- Year-round farm market store
- Café / Bakery with commercial kitchen
- Recognition of the current legal non-conforming agriculture activities (excluding livestock facilities)
- New potential future uses to include:
 - a single detached dwelling
 - accessory farm employee accommodations,
 - accessory buildings or structures,
 - a home occupation,

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- farm-related tourism establishment,
 - community garden.

In the preamble of Zoning By-law 20/2010, as amended, it is stated that Development 'D' zone identifies lands that are designated for development in the Municipality by the Official Plan but have yet to be granted full development permissions. The only uses permitted in the Development 'D' zone are agricultural use, custom workshop, home occupation and uses legally existing on the effective date of the By-law. In support of the proposed site specific 'D' zone, Planning Justification Report (PJR) submitted by the applicant includes some examples from a number of Ontario municipalities where the above-mentioned uses are permitted in the Development Zone. Staff have conducted selected research on these examples and further contacted the planning staff of two municipalities to shed some more light on the context and the permitted uses on the referenced properties.

The PJR states that Development Zone (D) is being used by the Alnwick/Haldimand Township to permit a farm (excluding a feed lot or any building or structure or part thereof used for housing of livestock); farm produce outlet and one family dwelling house. However, as per Section 19 of the Alnwick/Haldimand Township Comprehensive Zoning By-law 19-2019, farm produce outlet and single detached dwelling is permitted only if it is a legally existing use. Any new residential development in the Development 'D' zone is only permitted subject to the zoning by-law amendment application.

The PJR states that Development (D) zone in the Cramahe Township permit uses that include existing single detached dwelling, an existing farm or agricultural use, a farm produce outlet, a home occupation, accessory uses and other existing uses. Planning staff of Cramahe Township have advised that Development zone is only used within the urban boundary to acknowledge the existing farm practices until a proposal is brought forward for a subdivision or any other proposal. In other words, development zone is just being used as a place holder and nothing can be changed on the property zoned as Development. If any changes were to come, they would have to go through the whole planning process.

Therefore, staff notes that reference to Development (D) zones or site-specific Development zones being employed by other municipalities to permit all the uses that are being proposed by the applicant are not comparable/applicable to the subject application. Development zone is a place holder zone that generally acknowledges the existing uses/structures on the property and any further development plans are subject to a zoning by-law amendment application.

Consultation with other Departments/Sources:

On September 29, 2022, the Zoning By-law Amendment application submission was circulated to applicable internal departments and external agencies. All the agency

comments are attached with the report as **Attachment 3**. Table 2 provides a summary of comments received to date:

Table 2: Summary of Comments

Agency/Department	Summary of Comments (as of Nov 10, 2022)
Planning Division	More information is required on potential future uses in terms of their location on the site, parking and servicing (Nov 1, 2022)
County Planning	Additional information required on general location of each land use, data matrix of proposed buildings, additional private sewage information, parking study. Consider the use of Holding "H" provision for the future potential uses until the site plan requirements are met (Oct 27, 2022)
County Public Works	Revision to studies to include future potential uses (November 10, 2022)
Works & Engineering	No concerns regarding grading and stormwater management (Oct 12, 2022)
Canada Post	No concerns (Oct 5, 2022)
GRCA	No Objections (Oct 11, 2022)
County Septic	Additional private sewage information required including location of sewage system and its setback from the centreline of County Road 9 (Sept 29, 2022)
Fire Services	No Concerns (Oct 18, 2022)
Hydro One	No Concerns (Oct 27, 2022)
Parks and Recreation	No Concerns (Nov 1, 2022)
Building, OPP Cobourg, Parks and Recreation, Bell Canada, Hydro One	No Comments Received

In response to the comments from various technical agencies with regards to the zoning by-law amendment application and site plan application, staff has received a response letter on November 14, 2022 from the applicants Jamie and Kristin Ferguson (**See Attachment 4**). In the letter, the applicant acknowledges that at this time the application is only for primary stated usage of the property (i.e. a year round farm market with café/bakery) and any potential future uses will be addressed through a future site plan application and required studies.

Communication and Public Consultation:

In accordance with the *Planning Act*, a separate Notice of Complete Application and Public Meeting for the Zoning By-law Amendment application was given to all assessed persons within 120 metres of the subject lands. The notice of complete application was mailed on September 29, 2022 and was published in the local newspaper (Northumberland News) on October 6, 2022. Similarly, the notice of public meeting was mailed on November 16, 2022 and was published in the local newspaper (Northumberland News) on November 17, 2022. The Proponent also posted a sign on the property using the approved corporate branded signage for development projects.

The current planning applications page on Municipality's website contains links to all the materials submitted by the Proponent, as well as allows for feedback to be submitted by the residents during the review process. The page is updated periodically.

As of the writing of this report, planning staff are in receipt of comments received from a number of local residents regarding the subject application. The planning staff has received to date 160 correspondences from the Public, 157 supporting the proposal and 3 others requesting further information on the proposed potential future uses. All the written correspondence received up to the date of the writing of the report are listed in the Public Meeting Agenda.

Conclusion:

The proposed site-specific amendment to the current zoning will have the effect of permitting a year-round farm market store, café/bakery with commercial kitchen, recognition of the current legal non-conforming agriculture activities excluding livestock facilities. The applicant also wants to permit other potential future uses including a single detached dwelling, accessory farm employee accommodation, accessory buildings or structures, a home occupation, farm-related tourism establishment and community garden.

Next Steps:

The purpose of Public Meeting is to provide a public forum for questions and feedback on the proposed zoning bylaw amendment application. At this time, planning staff are not providing a recommendation. After the Public Meeting planning staff will consolidate all comments received and prepare a Planning Recommendation Report to be presented at a Committee of the Whole meeting prior to Council rendering a decision.

Attachments:

Attachment 1: Staff Report for Consent Application

Attachment 2: Correspondence with Applicant on October 8, 2020

Attachment 3: Agency Comments

Attachment 4: Applicant Response to Comments