

MEMORANDUM FROM PLANNING SERVICES

TO: Committee of Adjustment

FROM: Emily Schaefer, Planner

FILE(S): Consent Application – B01/20

LOCATION: 8157 Ganaraska Road (Rural Area)

APPLICANT: Jamie and Kristin Ferguson on behalf of the Trustees of the Calvary Baptist Church of Toronto

DATE: February 21, 2020



RECOMMENDATION:

THAT the consent application B01/20 for the creation of a new lot with lot area of approximately 4.12ha and lot frontages of approximately 200m on Hammill Road and 206m on Ganaraska Road from the property located at 8157 Ganaraska Road, be approved.

Property Description

The subject lands are located at the northeast corner of Ganaraska Road and Hammill Road, within the Rural Area of the Municipality of Port Hope. The southern portion of the property (crop lands) is located in the Hamlet of Garden Hill. The lands, municipally addressed as 8157 Ganaraska Road, have a total lot area of approximately 40.0 hectares with 200 metres of frontage on Ganaraska Road and 562 metres of frontage on Hammill Road. Currently the property is used as a religious retreat (Ganaraska Woods) and contains a residence, event building with sleep accommodation, cabins, and a swimming pool. The lands are hilly, with the Ganaraska River traversing the property to the south, and woodlands located throughout. A hydro corridor crosses east-west through the central portion of the lands.

Surrounding Uses

North – Forested area
South – Farm fields
East – Single detached dwellings
West – Single detached dwellings, elementary school
(North Hope Central School)

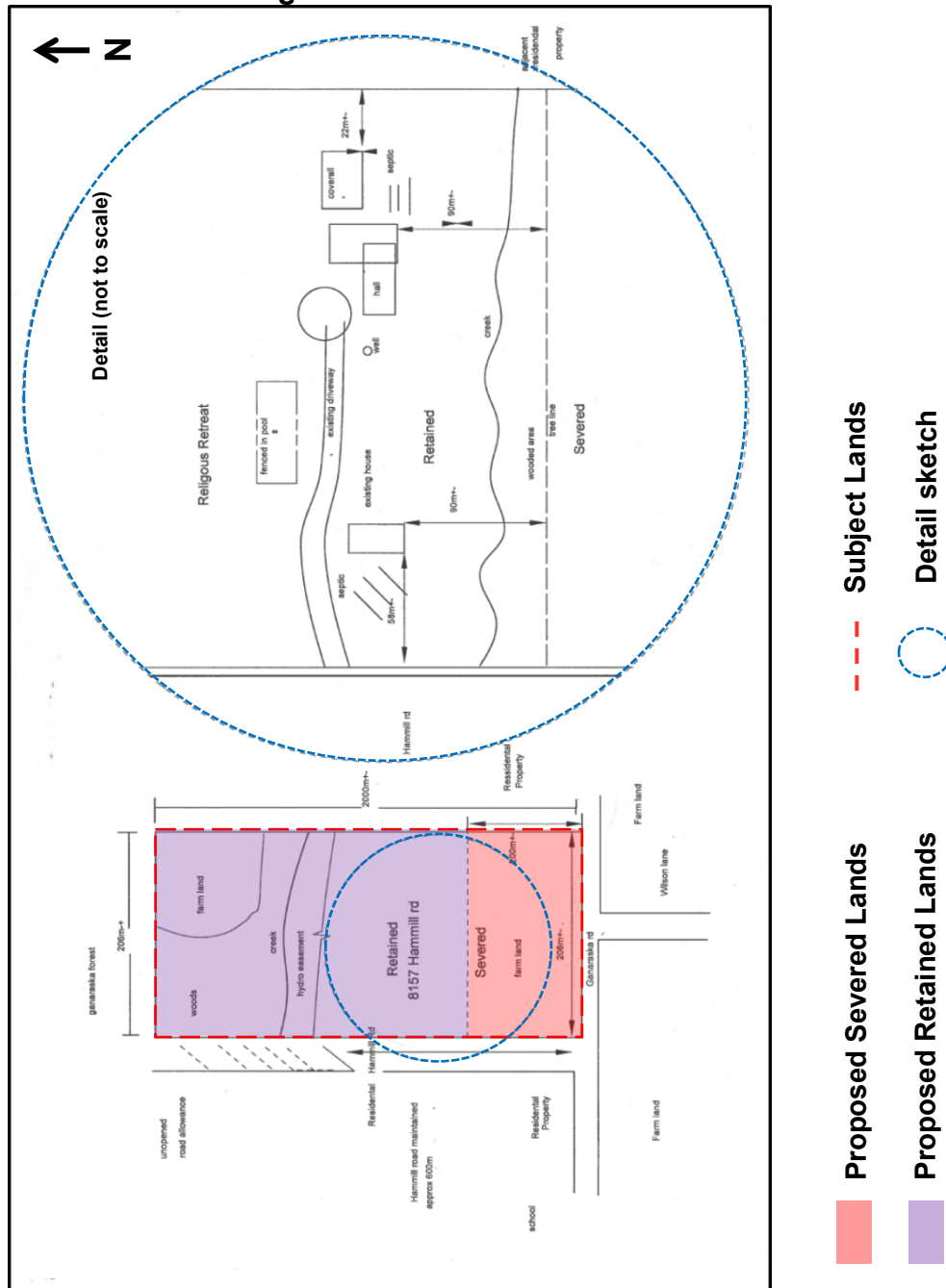
The graphic to the right identifies the extent of the subject lands in red and provides an aerial image of the subject lands.



Proposal

The applicant is proposing the creation of one new lot (**See Figure 1: Consent Sketch**). The proposed severed lands would have an area of approximately 4.12 hectares and a lot frontage of approximately 200 metres on Hammill Road and 206 metres on Ganaraska Road. The proposed retained lands would have an area of approximately 34.12 hectares and a lot frontage of approximately 362 metres on Hammill Road. The proposed use for the severed lands is agricultural with a potential for future use as a farmer's market. The applicant is not proposing changes to the retained lands.

Figure 1: Consent Sketch



History

The subject lands have been operating as Ganaraska Woods since 1975, with the southern portion of the property farmed as cropland for over 50 years. Below provides a brief history of the zoning and official plan designation of the subject lands, with focus on the proposed severed lands.

Under the former Zoning By-Law 3350 (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. The current Zoning By-law 20/2010 changed the zone category of the property; however, the use a religious retreat is still permitted. The agricultural use on the southern portion of the subject lands is now a legal non-conforming and may continue.

In the 1993 Official Plan the southern portion of the property 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 review changed the designation of the southern portion from 'Priority Agricultural Lands' to 'Hamlet' which was carried forward to the current 2014 Official Plan.

ANALYSIS:

Planning Act

In accordance with the Planning Act, staff is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the proposed severed lots. Below are the Planning Act policies that apply to applications for consent.

Section 53(1) – Consents:

An owner of land or the owner's agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a Plan of Subdivision of the land is not necessary for the proper and orderly development of the municipality.

Section 53(12) – Powers:

A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51(25) with respect to the approval of a plan of subdivision and subsections 51(26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.

Provincial Policy Statement (PPS) 2014

The proposed severed lands are located in the Hamlet of Garden Hill; a rural settlement area of the Municipality of Port Hope. The PPS states that it is important to leverage rural assets, amenities and protect the environment as a foundation for a sustainable economy. The proposed severed property has been farmed for the last 50 years, and is proposed to continue being farmed with plans for a farmers market in the future. Servicing (well and septic) is not proposed or needed for the farm practice; however,

these systems are proposed for the future farmer's market. Therefore, the proposal is consistent with the policies contained in the PPS.

Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.
[Definition]

1.1.4 – Rural Areas in Municipalities

1.1.4.1 *Healthy, integrated and viable rural areas should be supported 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;*
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*

1.6.6.4 – Sewage, Water and Stormwater

Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 – Natural Heritage

2.1.5 *Development and site alteration shall not be permitted in...e) significant areas of natural and scientific interest... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

2.1.9 *Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.*

Growth Plan for the Greater Golden Horseshoe (2019)

According to the Growth Plan, the subject lands are located in a Rural Settlement Area within the Municipality of Port Hope. Staff notes that proposed severed property is undeveloped, and currently farmed as crop land. Although the farmed lands are not located in the prime agricultural area, they are part of the agricultural system which creates a viable and thriving agricultural sector. The severed lands contribute to the land base for agriculture and have the potential to incorporate a farm market in the future to support the agri-food network. Overall, it is staff opinion that the proposed consent is in conformity with the intention of the Growth Plan policies.

2.2.9 – Rural Areas

2.2.9.1 *Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.*

2.2.9.4 *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.

4.2.6 – Agricultural System

4.2.6.1 An Agricultural System for the GGH has been identified by the Province.





An Agricultural System is comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: 1. An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; 2. An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector. **[Definition]**

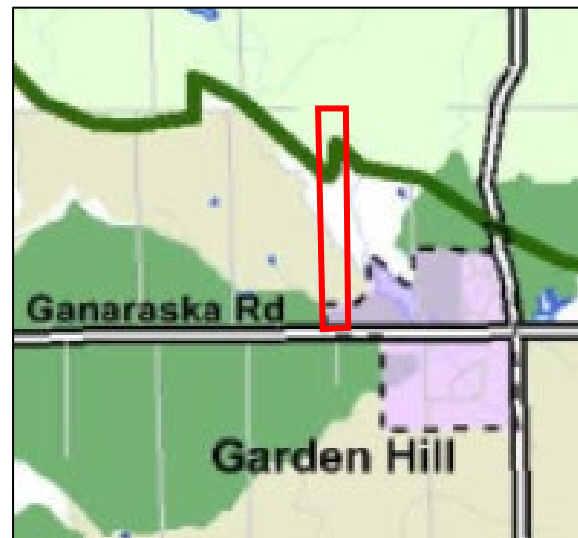
4.2.6.5 The retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.

County of Northumberland Official Plan (2016)

The proposed consent meets the Consent Policies of the County’s Official Plan. The proposed severed lot is located in the Rural Settlement area of Garden Hill, which is identified as an area for limited growth within the Municipality. Although no development of the severed parcel is proposed at this time, a hydrogeological assessment will be required for a farmer’s market building in the future to ensure the lot can be serviced by well and septic systems. The proposed retained lot is not located in Rural Settlement area, and will continue to be used as a religious retreat with existing well and septic systems.

Current Designation:

Severed Lot:	 Rural Settlement Area
Retained Lot:	 Agricultural Area
	 Rural Area
	 Oak Ridges Moraine



Permitted Uses:

Existing agricultural uses are permitted within rural settlement areas. Existing non-agricultural uses which have been approved by the local Official Plan may continue.

Below are the policies from the County of Northumberland Official Plan that apply to the subject lands:

C1.3 General Land Use Objectives for Rural Settlement Areas

- a) To maintain and enhance the character and identity of rural settlement areas;
- d) To encourage the development of commercial uses that supports the local residents and the general area;

- g) To promote the diversification of the economic base through the provision of goods and services, including value-added products and the sustainable management or use of resources;
- h) To provide opportunities for sustainable and diversified tourism, including the leveraging of historical, cultural and natural assets;

B14 – Servicing in Rural Settlement Areas

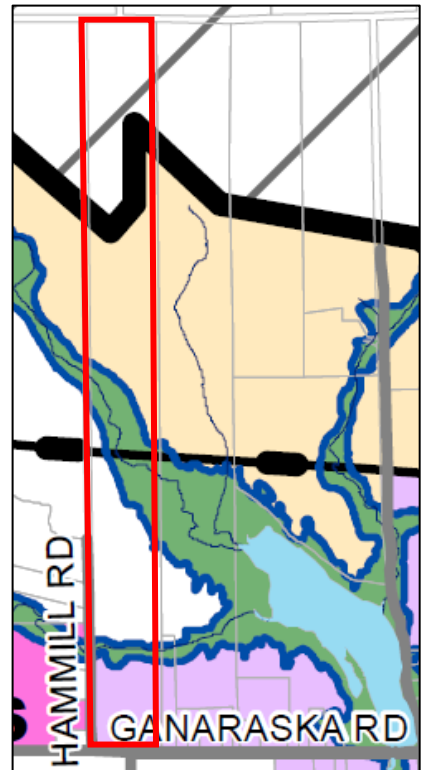
Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided in a rural settlement area, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In rural settlement areas, these services may only be used for infilling and minor rounding out of existing development.

At the time of writing this Report, no comments have been received from the County of Northumberland.







Municipality of Port Hope Official Plan (2014)

Overall, the proposed severance meets the intent of Consent Policies of the Official Plan. The subject lands are approximately 40.0ha (100 acres) in size and have never been severed in the past. Further, the proposal would separate existing legal uses; a religious retreat and agricultural lands. Staff note that although the Municipal Official Plan does not speak to agricultural uses within Hamlets, the 10 acre parcel has been farmed for over 50 years and is legal non-conforming under the current Zoning By-law. The proposed future use as a farmer’s market also appears to meet the intention of the Hamlet growth policies, as this use would primarily serve the needs of the surrounding rural area by selling local produce and value-added products.

In regards to servicing, a well and septic system are not proposed or needed for the farm practice. However, private systems are proposed for the future farmer’s market and therefore a hydrogeological assessment will be required at the time of application to ensure the proposal can be adequately serviced by private systems and will not impact neighbouring properties.



Current Designation:

Severed Lot:	 HAMLET	
Retained Lot:	 NATURAL ENVIRONMENT	 AGRICULTURAL - PRIME
	 FLOODPLAIN	 AGRICULTURAL - GENERAL
	 OAK RIDGES MORAINÉ BOUNDARY	

Permitted Uses in Hamlet Designation: Mix of suitable residential, commercial, community facilities and small scale industrial uses developed on private services, at appropriate densities

Natural Heritage Features: Earth Science ANSI, significant woodlands

In terms of natural features, the subject property is located within the Garden Hill Pitted Outwash Earth Science Area of Natural and Scientific Interest (ANSI). The Ganaraska Region Conservation Authority (GRCA) provided a review and comments stating that the immediate use of the proposed severed lands (vegetable farming) is compatible with the earth science ANSI and therefore they have no objection to the severance. The proposed severed lands are not regulated by the GRCA.

However, the GRCA and municipal staff note that that proponent of future development or site alteration (e.g. farmer's market building) to the proposed severed lands will need to demonstrate that there are no negative impacts on the natural feature/ecological function that cannot be mitigated. An Environmental Impact Study (potentially scoped) to demonstrate impacts/mitigation of development on the natural feature will be required at the time of application.

The policies that apply to the Hamlet designation are provided below.

D2.2.1 – Hamlet General Policies

Mix of suitable residential, commercial, community facilities and small scale industrial uses, developed on private sewage and water systems, at appropriate densities, shall be encouraged within the Hamlet designation. The future growth of hamlet areas should be consistent with environmental, physical and socio-economic conditions. Surrounding land uses, intensity of existing development and potential soil or ground water constraints should be considered in assessing new development proposals. Clustered growth around existing areas of concentration shall be encouraged, although new development on private sewage and water services shall require larger lot sizes than is common in many of the older Hamlet areas. It is the policy of this Plan to allow for development within the hamlets on this basis in the future. Strip development adjacent to a Hamlet boundary shall be discouraged.

D2.2.3 – Limited Growth in Hamlets

It is the policy of this Plan to encourage the in-depth expansion of Garden Hill, Canton, Osaca and Campbellcroft. Provision shall be made in appropriate locations to allow access from the main road to a second or third tier of development within the existing hamlet. In considering an application for consent to a land severance within these hamlets, Council and the Committee of Adjustment shall assess what effects the proposed severances would have on future in-depth development. In particular, internal road and lot layouts, proposed access locations, parkland allocations, etc. should be strongly considered.

E3.2.1.3 Consents – Limitations

Consents to sever land shall only be granted where it has been determined that:

- a) the intended use of the severed and retained parcels conform with the intent and*

- policies of this Plan;*
- b) the size and dimensions of the severed parcel(s) and the retained parcel are appropriate to accommodate the proposed use or uses;*
 - c) the proposed lot(s) shall not have a detrimental effect on the Municipality of Port Hope's financial status. Accordingly, a consent shall generally not be granted where the extension of any road or public facility or service may be required for the proposed consent;*
 - d) the proposed use of the lot(s) to be severed and retained are compatible with the adjacent or adjoining land uses;*
 - e) the proposed use of the lot(s) will not restrict options for future development on adjacent land;*
 - f) the proposed development will not have an adverse effect on farm operations and will not create fragmentation of farmland;*
 - g) the proposed and retained lot(s) front directly onto an improved public street or road, excluding a Highway, which is maintained year-round and is of a reasonable standard of construction (with the exception of lots created for conservation purposes);*
 - h) the development of the proposed lot(s) shall not create a traffic hazard or further an existing traffic hazard as a result of limited sight lines, curves or grades;*
 - i) the proposed lot(s) shall not have the effect of creating or extending a form of development deemed to be inappropriate to the land use designation, such as strip development for example in the Rural Area;*
 - j) the development shall not landlock or limit the potential use or redevelopment of the property;*
 - k) the severed parcel(s) and retained parcel outside the Urban Area and Hamlets comply with the Minimum Distance Separation (MDS) formulae;*
 - l) adequate sewage and water servicing can or will be provided in accordance with Part C of this Plan;*
 - m) adequate community services, emergency services, and other similar services, can or will be provided;*
 - n) the severed and retained parcels will be connected to municipal services, wherever available;*
 - o) comments related to the application have been received from the applicable Municipal Departments, the Conservation Authority, Health Unit and other Ministries, as deemed appropriate; and,*
 - p) the proposed lot(s) will be suitable for the use(s) proposed with respect to flooding, erosion, steep slopes, other hazardous conditions or constraints, as identified by the Municipality in consultation with the Conservation Authority.*

E3.2.1.4 Consents – Conditions

The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of a consent.

E3.2.3 – Specific Policies Applicable to Hamlets

Consent(s) to sever land within a Hamlet are limited to no more than two (2) new lots in addition to one retained lot being created in the following situations:

- a) *facilitating the disposal of a second legal dwelling;*
- b) *infilling in accordance with the relevant provisions of Section E3.2.6.4;*
- c) *separating existing legal uses; and,*
- d) *where new road construction is not required to access the new lots.*

C12.1.2 – Servicing in Hamlet and Rural Areas:

Private Servicing Systems

All development, except in areas specifically designated for municipal sewer and water systems shall be served by private sewer and water systems. Prior to approving a Zoning By-law amendment or issuing a building permit, Council, in consultation with the Ministry of the Environment and Climate Change (MOECC) and the applicable authority, shall ensure that there is an adequate on-site supply of water and that on-site soils and lot sizes are adequate for the required sewage disposal system. Minimum lot sizes for lots with individual private sewer and water systems shall be set forth in the implementing Zoning By-law, although larger lot sizes may be required by the MOECC or the applicable authority, depending on groundwater or soil conditions in the area. MOECC approval is required under the Ontario Water Resources Act for large sub-surface sewage systems with a design capacity of greater than 10,000 litres per day. Where development is serviced by a subsurface sewage system with a design capacity of 10,000 litres per day or less, proponents should consult the appropriate MOECC guideline in order to assess the cumulative impact of development on the water supply and to protect the quality of groundwater.

Notwithstanding the above, the policies that apply to the Natural Heritage Features are provided below:

C5.2.2 – Natural Heritage Outside of the Oak Ridges Moraine Policies:

Incompatible Development

Council shall protect lands classified as Natural Heritage from incompatible development...Existing uses, including agricultural operations will be permitted to continue. Development within natural heritage features shall meet the requirements laid out in Table 1.







No Negative Residual Impacts

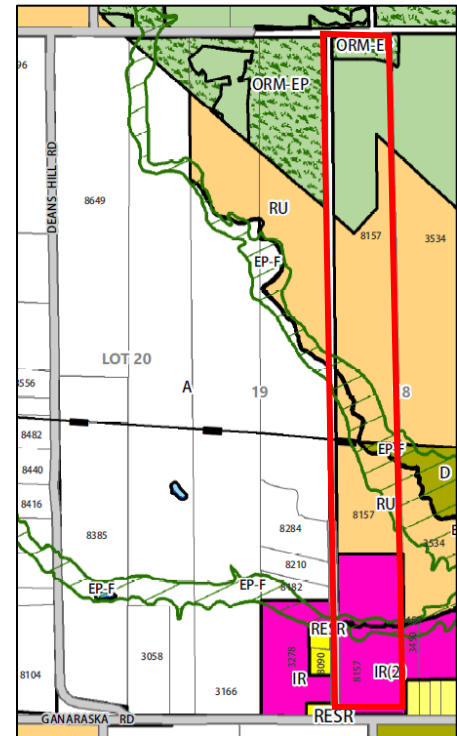
Without forgoing the above noted policy, any proponent of development or site alteration within or adjacent to lands classified as Natural Heritage shall demonstrate in accordance with provincial legislation, policies and appropriate guidelines and to the satisfaction of Council that there shall be no negative impacts on the natural feature or the ecological function for which the area has been identified, that cannot be mitigated. Proponents proposing development within or adjacent to natural heritage features as defined in Table 1 shall complete an environmental impact study in accordance with Section C20.3 of this Plan. For all development applications proposed within or adjacent to a Natural Heritage area, the Ganaraska Region Conservation Authority will be consulted. The Municipality may scope the requirements of an environmental impact study where appropriate, based on consultation with the Ganaraska Region Conservation Authority or other appropriate agency.

Zoning By-Law 20/2010:

The proposed severed lot is currently zoned Rural Institutional with an Exception to allow for a place of worship and accessory guest house. The proposed retained lot has multiple zones; the portion of land where the existing religious retreat and buildings are located is zoned Rural Institutional Exception #2, and the rest of the property is zoned Rural and Oak Ridges Moraine.

Current Zoning:

Severed Lot:	 IR - Rural Institutional Exception #2
Retained Lot:	 IR - Rural Institutional Exception #2
	 RU - Rural
	 ORM-C - Oak Ridges Moraine Core
	 ORM-EP - Oak Ridges Moraine Environmental Protection
	 EP-F Environmental Protection - Floodplain Overlay



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 place of worship and accessory guest house as ‘Additional Permitted Uses’ not ‘Only Permitted Uses’ under the current zoning by-law were not carried forward as in Zoning By-Law 3350.

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

Staff acknowledges that the proposed retained lot appears to meet the minimum lot area requirements for the Rural Institutional Zone, as well as building setback requirements. The proposed severed lot also appears to meet the minimum lot area requirements for the Institutional Rural Zone. Staff notes that at this time the applicant has not provided a drawing showing the proposed size, location, well/septic etc. of the future farmer’s market building. Further, staff notes that a Pre-Consultation meeting was held in November 2019 to discuss the proposed severance and future development plans. At that time staff noted rezoning and site plan approval would be required for the future use of a farmer’s market building. Next steps would be for the applicant to submit these two applications, either separately or concurrently, prior to seeking a building permit. However, given the immediate use is for farming purposes, staff opinion is that these applications are not required at this time.

COMMENTS:

1. The proposed severance will create one new lot from the existing 40.0ha lot within the Rural Area of the Municipality. The retained lot will continue to be serviced by an individual well and septic systems, with frontage and access from Hammill Road. The use of the retained lot will remain a religious retreat. The severed lot will continue to be used for agricultural purposes and will have frontage on Hammill and Ganaraska Road.
2. Future use of the severed lot for a farmer's market will require rezoning with a hydrogeological assessment and site plan approval, in accordance with By-Law 26/2008.
3. Overall, staff are satisfied that a Plan of Subdivision is not necessary for proper and orderly development.
4. Provincial land use planning policy supports development that creates a viable and thriving agricultural sector. The subject proposal meets the intention of relevant policies of the PPS and Growth Plan.
5. The proposal meets the intent of the County of Northumberland Official Plan. The applicant is advised that the County is developing a Natural Heritage System Plan that will introduce new policies that may affect future development of this property.
6. The proposal also meets the intent of the consent policies, as set out in the Municipality's Official Plan, by separating existing legal uses.
7. The severed lot will not require rezoning at this time, as the use proposed is agricultural which has existed legally for the past 50 years.
8. The Ganaraska Region Conservation Authority (GRCA) has no objections to the severance, as the immediate use is farming which is compatible with the earth science ANSI located on the proposed severed lands. However, staff notes that an Environmental Impact Study (potentially scoped) will be needed at the time of application for the future farmer's market.

CONCLUSION:

Based on the foregoing, Planning Division recommends that the subject application B01/20 to create one new lot with lot area of approximately 4.12ha and lot frontages of approximately 200 along Hammill Road and 206m along Ganaraska Road submitted by Jamie and Kristin Ferguson on behalf of the Trustees of the Calvary Baptist Church of Toronto for the property municipally addressed as 8157 Ganaraska Road, be approved.

Respectfully submitted,



Emily Schaefer, BURPI
Planner

Approved by: Theodhora Merepeza, Planning Manager