

Planning Justification Report

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HopeTowns Farm Hub
5373 Lakeshore Road
CCS Project No. 4516

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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.



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 and historic Grand Trunk Railway embankment) that are currently unavailable to agricultural use. These cabin installations will be self-sustaining for zero ecological impact and will be 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. The area is 0.37 ha and represents 3.1% of the lot and 0.9% of the entire HopeTowns Farm Hub.

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.

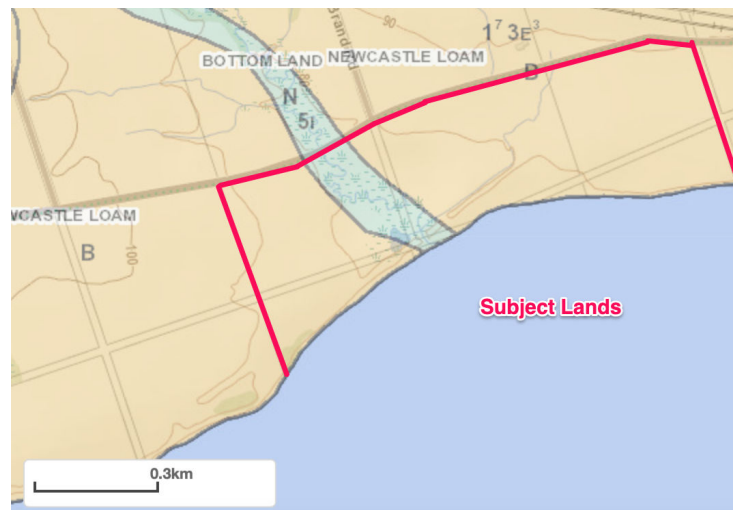


Figure 2 - Soils Map

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 Site Plan for the on-farm diversified uses and the design of 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. This outlet 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.

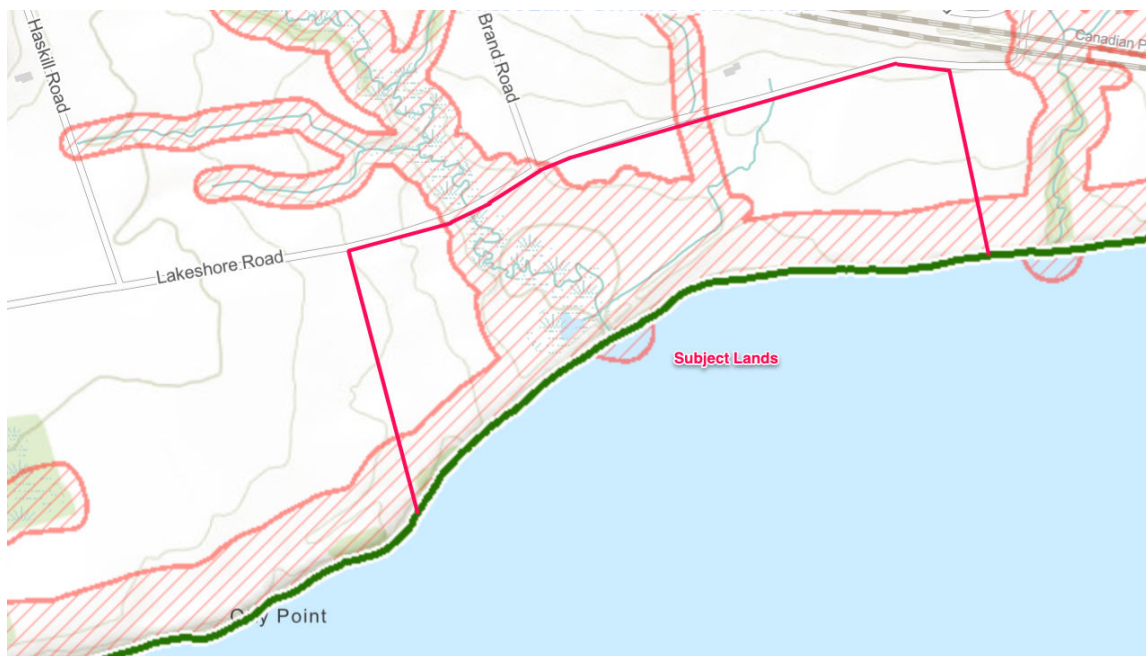


Figure 3 - Conservation Authority Regulated Area



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 - Farm Lodge (cottage) and Farm Kitchen

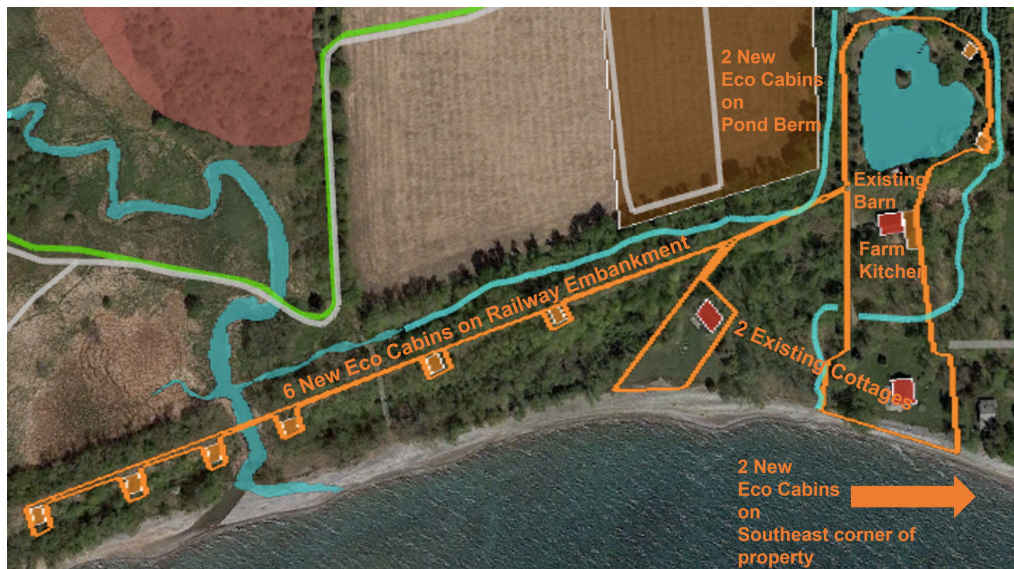


Figure 4b - Eco Cabins, Existing Cottages, Farm Barn and Farm Kitchen



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 0.71 ha of land which represents approximately 1.73% 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
Parking	180	10 spaces @ 18 sq.m./space
Kitchen	85	50% of expanded barn
Meeting Area	3,700	Area south of pond
Septic Bed Area	500	Half of proposed septic bed
Cabins	300	10 cabins @ 30 sq.m./cabin
Access to Cabins	2,360	1180 x 2m width
TOTAL	7,125	

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 170 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 initial 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 location of the proposed employee accommodation.
- 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.



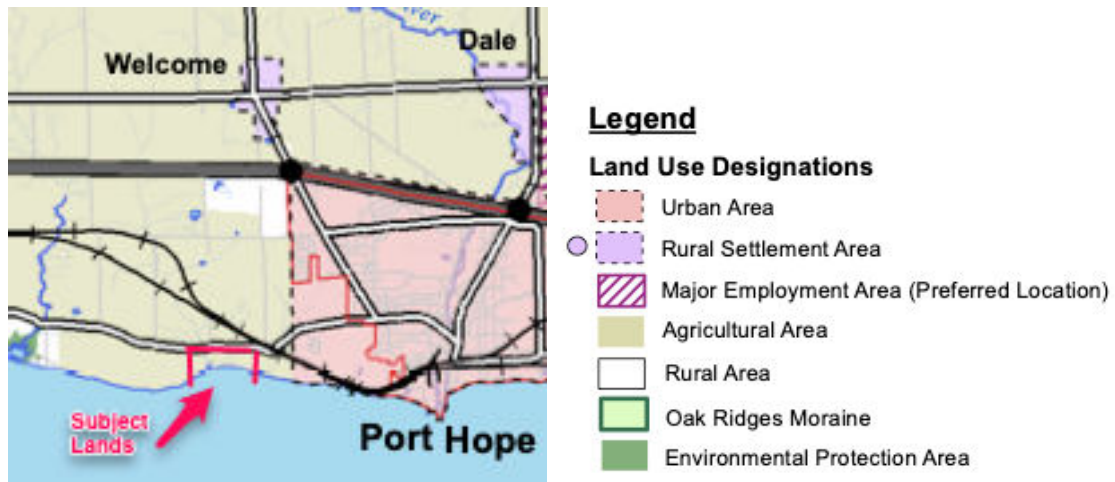


Figure 5 - Excerpt from Schedule A, County Official Plan

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

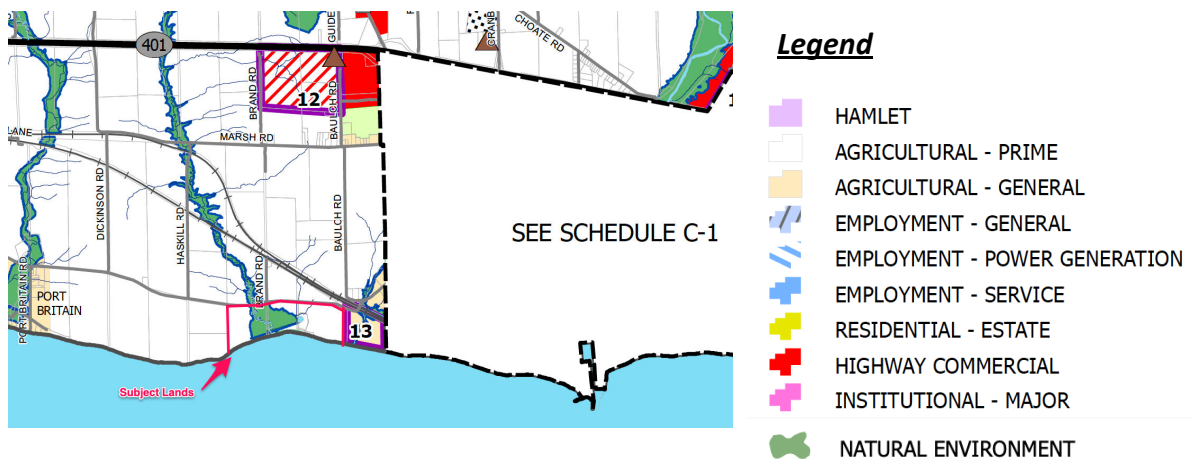


Figure 6 - Excerpt Schedule C, Municipality of Port Hope Official Plan

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



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 27 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. A Draft Zoning By-law Amendment is attached as Attachment 4.

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.

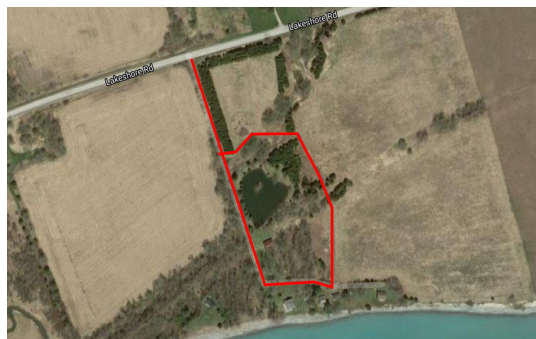


Image A - Current Road Location



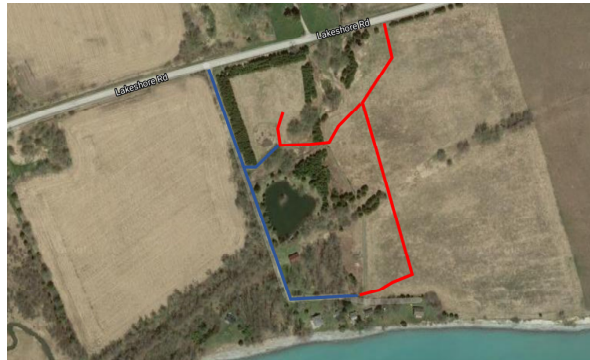


Image B - Proposed Road Location

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.

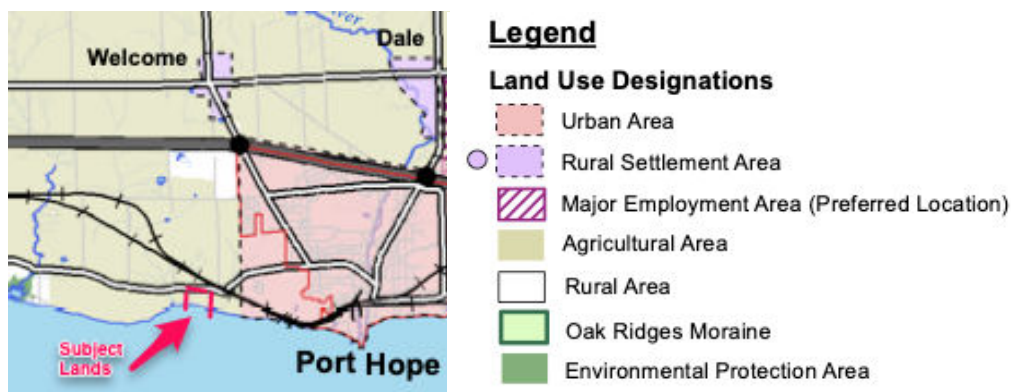


Figure 5 - Excerpt from Schedule A, County Official Plan

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.

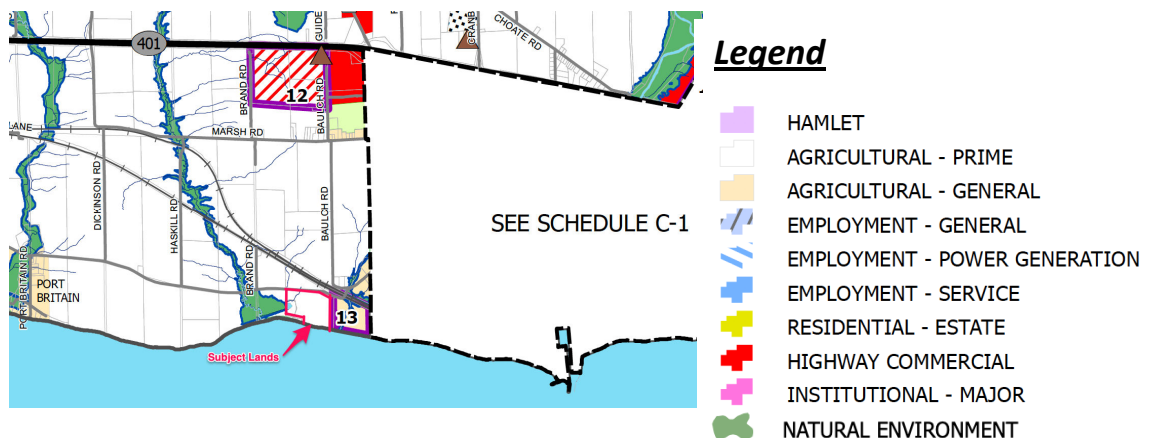


Figure 6 - Excerpt Schedule C, Municipality of Port Hope Official Plan

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).

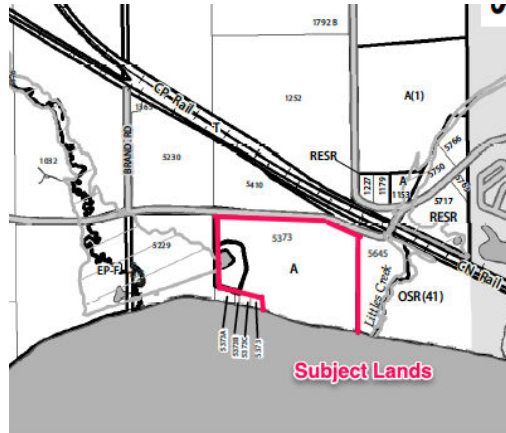


Figure 7 - Excerpt from Municipality of Port Hope Zoning By-law, Schedule B-15

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
- 142322302002100 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 proposed access is located on the edge of open lands. 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



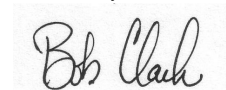
not intersect any natural areas or features and will not impact any wildlife habitat areas or wetlands on the subject lands.

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

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

z:\4516 Local Agricultural Project\Resubmission\Resubmission Documents-August 2021\4516-Combined Planning Justification Reports-August 27-2021.doc



Figure 1 -Concept Plan



Figure 1: Concept Plan
 HopeTown FarmHub
 5373 Lakeshore Road
 Municipality of Port Hope
 County of Northumberland



Figure 8 - Draft Plan of Condominium



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

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

Legend

	Common Element Condominium for Access [Bracken North]-(width 10 metres)
	Common Element Condominium for Access [Road Allowance]-(width 10 metres)

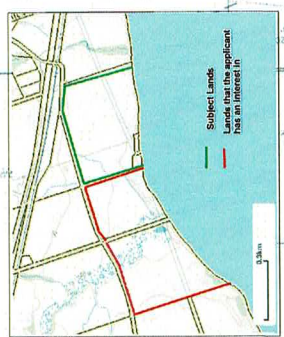
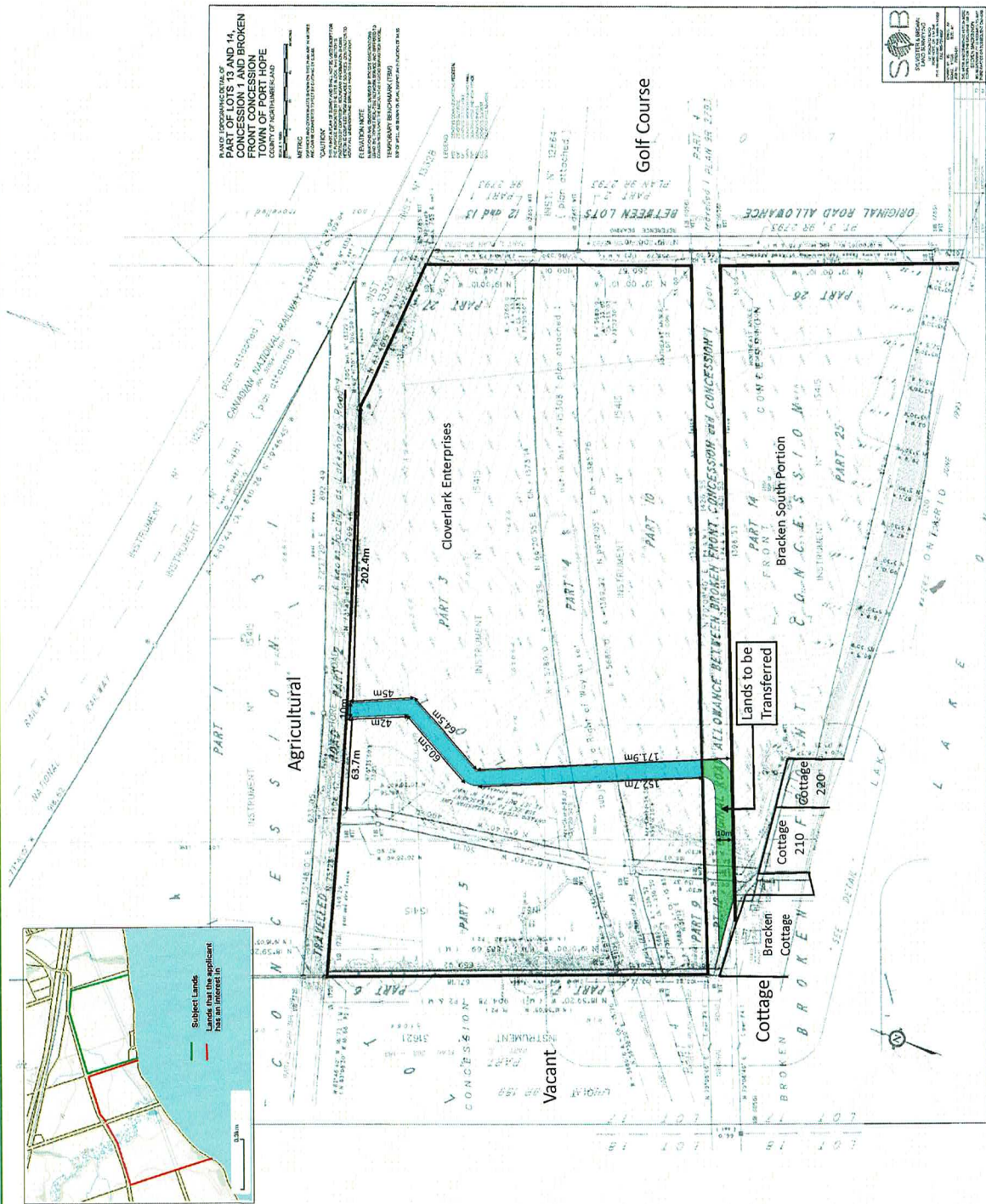
Additional Information
 (Under Section 51(17) of the Planning Act, RSO 1990)
 The Planning Act requires a draft plan showing:
 (a) the boundaries of the lands certified by an OLS - as shown
 (b) the location, widths and names of proposed and existing highways-as shown
 (c) the lands are to be used for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

Surveyor's Certificate
 I hereby certify that the boundaries of the land to be subdivided on this plan and their relationship to the adjacent lands are correctly and accurately shown.
March 24, 2021
 Date
 Merrill D. McLean
 Merrill D. McLean, Ontario Land Surveyor
 Sylvester & Brown Land Surveying Ltd.

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

Scale Bar

 CLARK



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 I
<i>Aggregate Transfer Station</i>					X			
<i>Agricultural Use</i>	X	X	X			X	X	
<i>Bed and Breakfast Establishment</i>	X	X	X			X	X	
<i>Boarding or Rooming House</i>	X	X						
<i>Conservation Use</i>	X	X	X	X (2)	X	X	X	
<i>Custom Workshop</i>	X (3)	X (3)						
<i>Dwelling, Single Detached</i>	X	X	X (H5)	X (H5)	X (H5)	X (H5)	X (H5)	X
<i>Equestrian Centre</i>	X	X						
<i>Farm Employee Accommodation, Accessory</i>	X (4)	X (4)						
<i>Farm Produce Outlet, Accessory</i>	X	X				X	X	
<i>Farm Related Tourism Establishment</i>	X	X						
<i>Farm Vacation Home</i>			X			X	X	
<i>Forest Management</i>	X	X						
<i>Group Home Type 1</i>	X (5)	X (5)						
<i>Home Industry</i>	X (6)	X (6)						
<i>Home Occupation</i>	X (3)	X (3)	X (3)			X (3)	X (3)	X
<i>Kenel</i>		X (1)						
<i>Mineral Aggregate Resource Operation</i>					X			
<i>Park, Public</i>	X	X	X	X (2)		X	X	
<i>Private Home Daycare</i>	X	X	X			X	X	
<i>Legal existing uses on November 15, 2001</i>			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

Zone	Minimum Lot Frontage	Minimum Lot Area	Minimum Required Front Yard	Minimum Required Exterior Side Yard	Minimum Required Interior Side Yard	Minimum Required Rear Yard	Maximum Height	Maximum Lot Coverage
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%.*



Attachment 3 - Zoning Compliance Table



Zoning Compliance Table

HopeTowns Farm Hub
 5229 & 5373 Lakeshore Road
 CCS Project No.4516

Property	Frontage (m)	Area (ha)	Average Width	Average Depth	Existing Uses	Proposed Uses	On-farm Diversified Use	Existing Buildings	Proposed Buildings
A Zone Regulation	165	40.0							
Thomas 1	410	10.3	400	270	vacant, under cultivation, watercourse	cultivation, residence, guest/employee cabin	guest/employee cabin	vacant	residence, guest/employee cabin
Thomas 2	254	8	275	260	vacant, under cultivation, watercourse, wooded	cultivation, residence, guest/employee cabin	guest/employee cabin	vacant	residence, guest/employee cabin
Thomas 3	lake: 450	4.9	420	150	vacant, under cultivation, shoreline	cultivation, residence, guest/employee cabin	guest/employee cabin	vacant	guest/employee cabin
Thomas 4	lake: 250	1.1	275	80	cottage, shoreline	cottage, guest/employee cabin, shoreline	guest/employee cabin	cottage	cottage, guest/employee cabin
Bracken 1	520	12.2	510	230	shed, pond, wooded, cultivation	cultivation, residence, guest/employee cabin, meeting building, kitchen	events area, guest/employee cabin	shed	residence, guest/employee cabin, meeting building, kitchen
Bracken 2	lake: 200	4.6	290	120	vacant, under cultivation, shoreline	residence, cultivation, guest/employee cabin, shoreline	guest/employee cabin	vacant	residence, guest/employee cabin
TOTAL		41.1					0.71 ha		

Attachment 4 - Draft Zoning By-law and Schedule



Draft Zoning By-law Amendment
CORPORATION OF THE MUNICIPALITY OF PORT HOPE
BY-LAW NO. XX/2021

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

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

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

AND WHEREAS on _____, 2021 the Council of the Corporation of the Municipality of Port Hope conducted a public meeting in regard to the proposed zoning, as required by Section 34(12) of the Planning Act. R.S.O. 1990, c.P. 13, as amended;

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

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

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

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

Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>ii) The maximum number of Sleeping Cabins shall be 10; Sleeping Cabins shall be Accessory Farm Employee Accommodation and shall also be used for temporary accommodation of guests to the farm. The maximum gross floor area of the Sleeping Cabins shall be 30 sq.m.</p> <p>iii) The outdoor event area shall have a maximum area of 3,700 sq.m.;</p> <p>iv) The existing lots as of the date of the passing of this By-law shall be considered as legal non-conforming with respect to lot area and those lots with access from a common element condominium or equivalent shall be considered legal non-conforming with respect to lot frontage.</p>

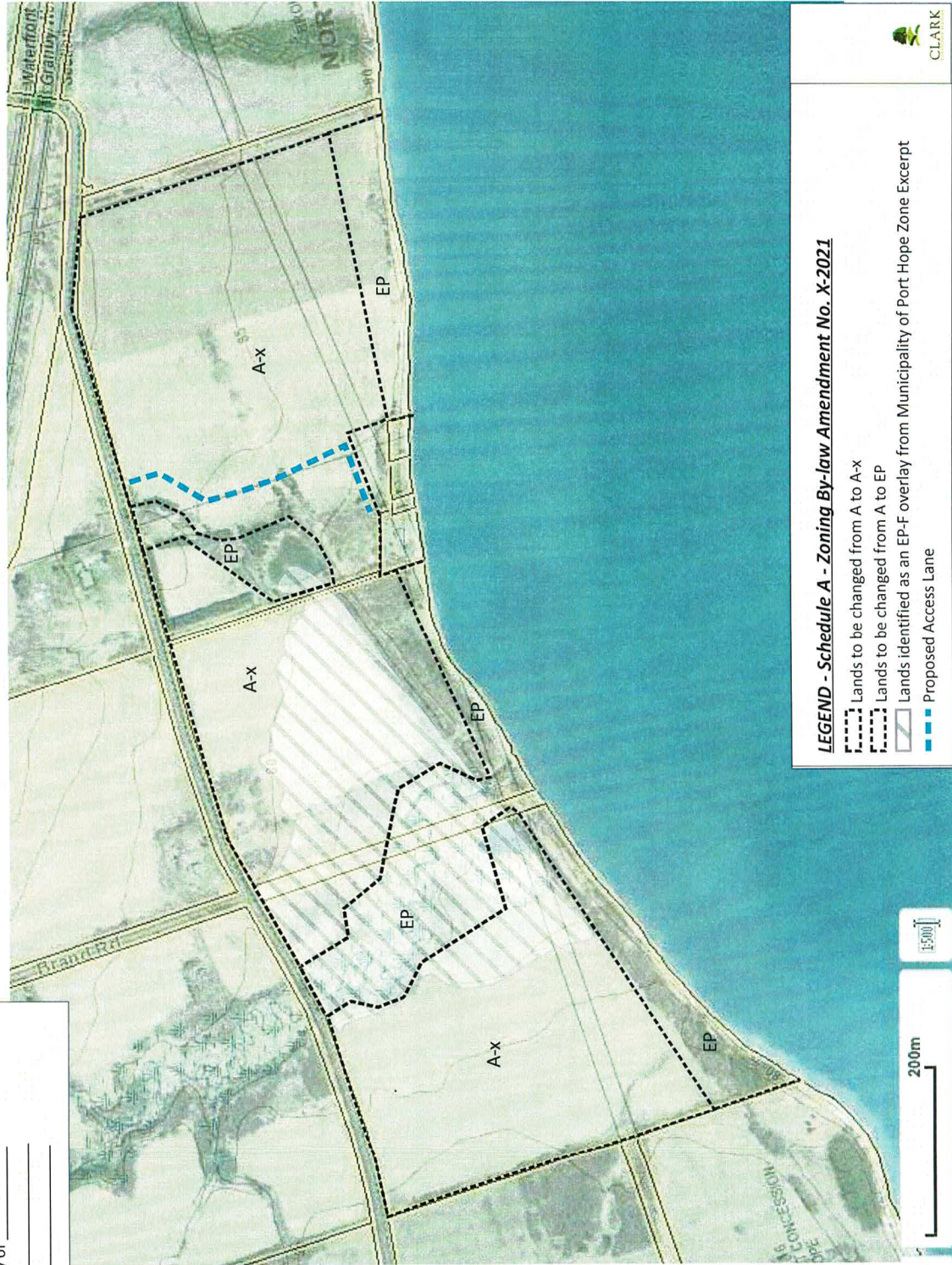
3. **THAT** Zoning By-law No. 20/2010, as otherwise amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 20/2010, as otherwise amended, shall in all respects remain in force and effect save as may be otherwise amended or hereafter dealt with.
4. **THAT** this By-law shall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

READ A FIRST< SECOND AND THIRD TIME and finally passed on the ____ day of _____, 2021.





R.J. Sanderson, Mayor

Brian Gilmer, Clerk

This is Schedule ' ', Schedule A, Sheet ___ of By-law 20/2010
 Passed this ___ day of _____
 Mayor _____
 Clerk _____



LEGEND - Schedule A - Zoning By-law Amendment No. X-2021

-  Lands to be changed from A to A-x
-  Lands to be changed from A to EP
-  Lands identified as an EP-F overlay from Municipality of Port Hope Zone Excerpt
-  Proposed Access Lane



1:5,000

200m

Attachment 5 - Condominium Directory



**Attachment 5
Condominium Directory**

Property	Owner's Name	Length of Ownership	Lot Area (ha)	Lot Frontage (m)	Legal Description
5373 Lakeshore Rd	Cloverlark Enterprises (Brackeen 1)	5 months	11.9	520	Part Lots 13 & 14 Concession 1, Hope, Parts 3,4,5,6,7,8,9,& 10 Plan 39R7494 subject to easement PH13903 and PH41797
5373 Lakeshore Rd	12227355 Canada Inc.	5 months	0.23	58 lake	Pt Lot 14 Con Broken Front part 2 38R13754 T/W PH41979,S/T PH13902
5373 A Lakeshore Rd	Constance Cunningham	25+ years	0.14	45 lake	PT Lot 14 Con Broken Front Pt Road Allowance between Con 1 and Broken Front Part 1,2 & 3 9R1374 Together with PH41797, PH 68771 & PH68772
5373 B & C Lakeshore Rd	Burke Paterson & Jacqui Allard	10 Months	0.12	35 lake	Pt Lot 13-14 Con Broken Front Pt Road Allowance Between Con1 and Broken Front as in PH4647 & PH8546 except easement therein
5373 D Lakeshore Road	Steven MacKinnon & Colleen Allen (Brackeen 2)	5 Months	4.7	200 lake	Pt Lot 13 & 14 Broken Front Conc Parts 15,16,17,18,19,20,21,23,24 & 25 Plan 39R-7494 S/T easement PH13902, PH41797, PH68771& PH68772

Attachment 7 - Review of Planning Act Section 51(24)



MEMORANDUM

52 John Street, Port Hope, ON. Canada L1A 2Z2
tel: 905-885-8023* toll free 888-852-8619

11 Princess Street, Suite 301, Kingston, ON Canada K7L 1A1
tel: 613-549-0444* toll free 888-852-8619

info@clarkcs.com * www.clarkcs.com



CLARK
CONSULTING SERVICES

To: Theodhora Merepeza, Planning Manager
Emily Schaefer, Planner
From: Bob Clark
Subject: Review of Comments
Second Submission - HopeTown's Farm Hub
CCS Project No. 4516
Date: July 8, 2021

The subject lands for the Draft Plan of Condo is based on a survey prepared by an OLS. The accuracy may be related to the names attached to the parcels. We have discovered that on the Zoning Sketch, the Bracken lands were labeled differently from the condominium draft plan. This inconsistency has been addressed.

The Zoning By-law will require definitions for the uses which are not already defined in the Comprehensive By-law. These uses include the kitchen and the cabins.

In addition, the structures on the subject lands need to be identified and their location dimensioned. The structure on Bracken north (Bracken 1) are the sheds south of the pond. The structure on the lands to the west is the cottage south of the former rail line. These are the only structures.

The following is our assessment of the Draft Plan of Condo in accordance with Section 51(24) of the Planning Act. You will note that I have substituted (condominium) for subdivision in the actual wording:

51 (24) In consideration a draft plan of (condominium), regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to.

Response: *The proposed Draft Plan of Condominium is proposed to provide access to the cottage lots and the Bracken South Parcel. There are no structures involved which would require accessibility considerations.*

(a) the effect of development of the proposed condominium on matters of provincial interest as referred to in section 2 (of the Planning Act)

Response: *The matters of Provincial Interest in Section 2 include:*

- (a) the protection of ecological systems, including natural areas, features and functions;
 - The introduction of regenerative agriculture is intended to reduce the use of artificial fertilizers, pesticides and herbicides which will provide protection to the ecological systems.
 - The regenerative agriculture will protect and maintain soils from erosion and degradation.
- (b) the protection of the agricultural resources of the Province;
 - The objective of this project is to demonstrate that regenerative agriculture will protect the on-going viability of agricultural lands both from a productive point of view both now and in the future.
- (c) the conservation and management of natural resources and the mineral resource based;
 - As noted above, this project will not only demonstrate the conservation of agricultural lands but will provide protection of the Natural Heritage Features in the area. Our review of the available mapping did not identify any mineral resources in the immediate area.
- (d) the conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest;
 - Our review did not identify any of these features.
- (e) the supply, efficient use and conservation of energy and water;
 - The objective of regenerative agriculture is to reduce the dependence on artificial fertilizer, pesticides and herbicides thus conserving energy and using techniques which would establish a healthy growing environment for crops while retaining natural rainwater and providing support for crops during stressful times due to limited rain.
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
 - There is provision for employees and guests to access the property and to make use of the communal services. It is expected that the individual lots which form part of the Farm Hub will provide a location for a residence. The owners will be part of the Farm Hub operation and will participate in the operation and management of the facility and the productive areas. All services will be built according to current standards and many of the facilities will be shared facilities both for the production and for the farm visits.
- (g) the minimization of waste;
 - The regenerative agriculture is designed to minimize waste. The farm tours will also be conducted in a way to reduce waste through shared access and by design and use of shared facilities.

- (h) the orderly development of safe and healthy communities;
 - This site was chosen as it offers both a productive agricultural land base and exceptional sites for visitors to experience regenerative farming techniques and a varied rural environment with natural areas that complement the agricultural use for both staff and guests.
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
 - The intention is to make the site and the facilities accessible for persons with disabilities.
- (i) the adequate provision and distribution of educational, health, social, cultural, and recreational facilities;
 - Provision has been made for farm tours to introduce both farmers and non-farmers to the benefits of regenerative agriculture. These tours will offer healthy information on food production, as well as an opportunity for meeting other individuals with similar interests in healthy food production. In addition, the proposal is to create trails which will link with regional trails for hiking and cycling in a rural environment. The purpose of the tours is to offer exposure to the rural culture and its benefits.
- (j) the adequate provision of a full range of housing, including affordable housing;
 - This proposal involves the provision of housing for those who wish to participate in the Farm Hub. This is the only housing to be provided.
- (k) the adequate provision of employment opportunities;
 - The employment opportunities will involve farm staff. Some of these positions will be permanent in nature while many of the positions will be of a seasonal nature.
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
 - The benefit to be derived from this project will include the improved farm operation resulting from the training and application of the regenerative techniques. The guests will provide an economic benefit to the community by offering an attraction for visitors who will use local services.
- (m) the co-ordination of planning activities of public bodies;
 - The project will involve demonstrating the care and management of a rural property which will demonstrate the application of the planning activities of several public bodies.
- (n) resolution of planning conflicts involving public and private interests;
 - This project will demonstrate the advantages of offering farm operators another source of revenue from on-farm uses that encourage visitors and customers to gain an understanding of where their food comes from and how that food can be grown in environmentally sustainable ways.

- (o) Protection of public health and safety;
 - As alluded to above, the production of healthy food in a manner that is environmentally sustainable is designed to protect the public health and safety.
- (p) the appropriate location of growth and development;
 - This site was selected as it offers not only a unique environment, but it is also easily accessed and located in close proximity to the urban area of Port Hope in order that staff and guests can have a relatively short trip from the central urban area.
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
 - This project takes as its main objective the sustainability of farming, access is proposed by electric bus and the facility is designed for pedestrian access.
- (r) The promotion of built form that
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
 - Although there is limited built form, it is our client's objective that the Farm Hub would be well designed and reflect the impressive nature of the site while providing a safe accessible attractive meeting space which would attract visitors and encourage the use and adaptation represented by regenerative agriculture.
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate;
 - This is one of the objectives of regenerative agricultural.

(b) whether the proposed (condominium) is premature or in the public interest.

Response: *The proposed condominium is not premature but will provide access to three existing cottages and the Bracken South lands which are to be confirmed as a separate parcel and will be transferred to a new owner who will participate in the Farm Hub and will apply for the required permits to construct a residence on the property. The proposed condominium is required to make the Bracken South parcel eligible for a residential permit. The Zoning By-law Amendment will also recognize this access.*

(c) whether the plan conforms to the official Plan and adjacent plans of subdivision, if any.

Response: *The plan of condominium replaces the existing private right-of-way access as the main access for the existing cottages and is recognized in the Official Plan as a legitimate form of access for a residential lot.*

(d) the suitability of the land for the purposes for which it is to be subdivided.

Response: *The lands and the proposed laneway have been reviewed by a professional engineer and found to be suitable for the construction and use as an access for the existing and proposed development.*

(e) The number, width, location and proposed grades and elevations of highways and the adequacy of them and the highways linking the highways in the proposed (condominium) with the established highway system in the vicinity and the adequacy of them.

Response: *A Traffic Study was prepared and submitted indicating the adequacy of the lane and Lakeshore Road to accept the additional traffic to be generated by the proposed condominium and the proposed Farm Hub.*

(f) the dimensions and shapes of the proposed lots.

Response: *There are no new lots proposed. All lots are existing.*

(g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land.

Response: *The restrictions on the subject lands are related to the Zoning By-law Amendment request to allow the farm tours and cabins as part of the Farm Hub. These revised zone regulations would allow these uses in addition to the currently permitted uses on the lands that are proposed to be part of the Farm Hub.*

(h) conservation of natural resources and flood control.

Response: *The condominium lane will not impact the natural resources and will require a swale and a culvert to direct water on the west side of the laneway. The proposed Farm Hub will serve to protect the natural resources and will not impact the wet areas or any area susceptible to flooding. There have been discussions with the Conservation Authority about protecting the shoreline and provision has been made for the ultimate movement of the existing cottages in the future if and when required.*

(i) the adequacy of utilities and municipal services.

Response: *The Farm Hub will not generate a need for expansion of utilities or municipal services.*

(j) the adequacy of school sites.

Response: *The Farm Hub proposal has the potential for 5 new residences if and when these parcels are incorporated into the project. This should not affect the adequacy of school sites.*

(k) the area of land, if any, within the proposed (condominium) that, exclusive of highways, is to be conveyed or dedicated for public purposes.

Response: *No land is proposed to be conveyed or dedicated for public purposes.*

(l) the extent to which the plan's design optimizes the available supply, means of supplying efficient use and conservation of energy, and.

Response: *The Condominium Plan is designed to replace the existing right-of-way which will make access to the Farm Hub and the existing cottages more direct and efficient. The Farm Hub will demonstrate the use of regenerative agricultural techniques which are designed to be more energy efficient.*

(m) the interrelationship between the design of the proposed plan of (condominium) and site plan control matters relating to any development on the land.

Response: *The design of the Condominium Plan is independent from the Farm Hub. Therefore, the Site Plan matters relate to the Zoning Amendment which is required to allow the on-farm diversified uses. The on-farm diversified uses are limited to the cabins and the meeting area.*

Review of Criteria for On-farm Diversified Uses

We acknowledge that the On-farm Diversified Uses proposed have changed since the initial submission. The cabins and the meeting area are identified as the on-farm diversified uses. The farm tours, the facilities involved in the establishment of the regenerative agricultural projects and the sale of produce grown and processed on the property and in the immediate area qualify as Agricultural-Related uses which meet the PPS criteria for uses permitted as agricultural uses.

The criteria outlined in the OMAFRA Document entitled "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas Publication 851 are reviewed below:

1. Located on a Farm

The proposed on-farm diversified uses are to be included in the establishment of the regenerative agricultural demonstration project. The cabins and the meeting area are part of the Farm Hub and

will only be available for use as on-farm diversified uses when the Farm Hub is operational and the schedule of farm-related uses permits the on-farm diversified uses. Therefore, we determined that these uses meet the criteria of being located on a farm.

2. Secondary to the Principle Agricultural Use of the Property

As noted above, the on-farm diversified uses rely on the facilities also used by the Farm Hub operation. The on-farm diversified uses are only available when they are not required as part of the farming operation. Their location and use does not impact the farming operation.

3. Limited in Area

The area used by the on-farm diversified use has been calculated as follows:

<i>On-farm Diversified Use</i>	<i>Area (m²)</i>
Cabins (max of 10 @ 20 sq. m. each)	200
Trails to the cabins (1 m wide, 330 m)	330
Barn (50% of 95 sq.m.)	47.5
Kitchen/Dining Area (500 sq.m.)	500
Parking 20 spaces	720
Total	1,797.5

The area zoned for the on-farm diversified use is 40.7 ha. The on-farm diversified uses are calculated as .17975 ha. This is 0.44% of the area zoned for the on-farm diversified uses.

No agricultural land is removed from production to accommodate these uses.

4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.

Response: *The proposed on-farm diversified uses have been reduced from our original proposal. We have also distinguished between agricultural-related uses and on-farm diversified uses which further reduced the on-farm diversified uses. The proposed on-farm diversified uses make use of facilities that are farm related which further reduces the area devoted to the on-farm diversified uses.*

5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

Response: *The proposed on-farm diversified uses have been designed to use existing and proposed facilities. This use will not hinder the agricultural operation, will use existing infrastructure, will maintain the character of the area, will meet all environmental standards, and will not limit or undermine the agricultural uses in the area.*