

Planning Justification Report

Zoning By-law Amendment for Accessory Residential Unit (ARU)

7773 Longyear Lane, Campbellcroft

Lot 26, Concession 7, former Township of Hope

Municipality of Port Hope



CLARK
CONSULTING SERVICES

September 2025

Updated: December 22, 2025

Prepared for: Krystal and Scott Longyear

Prepared by: Clark Consulting Services

CCS Project No.: 5285

1. INTRODUCTION

Clark Consulting Services (CCS) was retained by Krystal and Scott Longyear to prepare a Planning Review of the existing planning documents and assess the planning merits and approval requirements for a residential unit that is being constructed on the subject lands. Construction has been halted due to concerns about the compliance of the partially constructed residence with the zoning provisions in the Municipality of Port Hope.

The location of the property is illustrated on *Figure 1 – Location Map*.

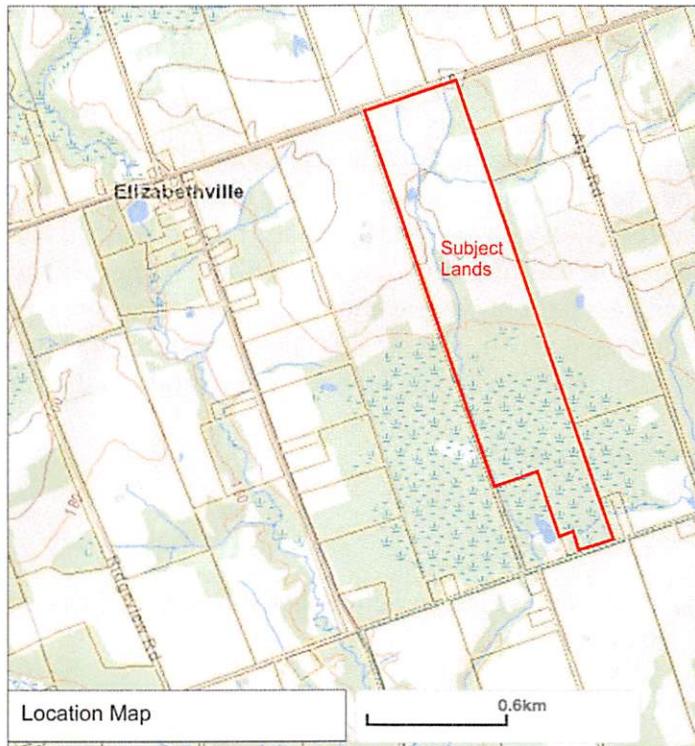


Figure 1 – Location Map

2. SUBJECT LANDS

As illustrated on *Figure 1*, the subject lands are a 72.6 ha (180 ac) parcel of land located west of the Hamlet of Garden Hill. The northern portion of the land is actively farmed. There is both a pond and a recessed watercourse draining southerly into a lower wetland area. The buildings are located immediately north of the pond on the east side of Longyear Lane. The buildings consist of a garage, an older residence, a barn used for storage and a second residence in the final stages of construction.

3. PLANNING ISSUE

The partially constructed residence is proposed to be the Primary Residence currently providing accommodation to Scott and Krystal Longyear and their son. The Longyear's moved to Campbellcroft to be close to and assist the family, who farm the subject lands and the adjacent lands immediately to the west of Longyear Lane. Scott's parents live in the older residence located on the subject lands. This older residence is proposed to become the Additional Residential Unit (ARU), in order to allow the second residence on the property.

When Scott and Krystal moved to Campbellcroft, it was their intention to build their own home on the Family Farm. They prepared detailed design drawings of the proposed residence and applied for and received a building permit for the residence in 2022. They began construction and the foundation was inspected by Municipal Staff. It was only after the structure was nearly complete that the Municipal Staff raised concerns about compliance with the zoning provisions for a second residence. It was also noted that during excavation, a portion of the basement under the smaller garage, which was to remain unexcavated, was excavated.

As a result of these concerns, an Order to Comply was issued. The Order to Comply would require dramatic changes to the nearly finished residence. Being unwilling to dramatically change the residence that they have been residing in, the Longyear's have discussed alternate means of compliance. An amendment of the Zoning By-law is one of the suggested means of maintaining the as built design. As this process has only begun and the Order was issued some time ago, the Municipality have initiated legal action. This action is being postponed in order to allow a review of a resolution, such as the approval of a Zoning Amendment to address the zoning issues.

4. REVIEW OF PLANNING DOCUMENTS

4.1 Provincial Planning Statement, 2024

The Provincial Planning Statement was issued under Section 3 of the Planning Act and came into effect on October 20th, 2024.



Section 4.3 provides policy for Agricultural Areas such as the subject lands. Item 5 permits up to two additional residential units. One of these is to be located within the principal residence. The other residential unit must comply with the following provisions:

- a) Comply with the minimum distance separation formulae;
- b) Are compatible with, and would not hinder, surrounding agricultural operations;
- c) Have appropriate sewage and water services;
- d) Address any public health and safety concerns;
- e) Are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and
- f) Minimize land taken out of agricultural production.

This report has been prepared to address these provisions, and on that basis subject to the approval of a Zoning By-law Amendment, the construction of the proposed new residence will comply with the Provincial Planning Statement. The Provincial Planning Statement incorporated the Growth Plan for the Greater Golden Horseshoe. The subject lands are not within the Oak Ridges Moraine Conservation Plan.

4.2 County of Northumberland Official Plan

The County of Northumberland Official Plan designates these lands as Rural Area and Environmental Protection, as shown on the Land Use Schedule. An excerpt of the Land Use Schedule is reproduced as *Figure 2*.



Figure 2 – County of Northumberland Official Plan Excerpt, Land Use Schedule

The new residence is located in an area designated as Environmental Protection Area. The northern portion of these lands are under active cultivation.

Section C3.8 permits Accessory Accommodation on Farm properties provided it can be demonstrated that the size and nature of the operation require additional employment, and the lands are appropriately zoned, and the local Official Plan permits this type of use. Based on my review, it is my opinion that the proposed residence complies with the County Official Plan.



4.3 Municipality of Port Hope Official Plan

The subject lands are designated Agricultural – Prime, Agricultural - General and Natural Environment on Schedule C in the Port Hope Official Plan. The location of the residence under construction is located in the Agricultural–Prime designation. The designation of the subject lands is illustrated on *Figure 3*.



Figure 3 – Municipality of Port Hope Official Plan Excerpt, Schedule C

Section C9.1.2.1 contains policies for Additional Residential Units (ARU). Subsection d) requires that ARUs are to be connected to the same servicing system as the main dwelling on the lot. It states: *“For lots in the rural area it shall be demonstrated that sufficient well and septic capacity is available to accommodate the additional residential units.”*

The proposed residence has been connected to the same water system, but the approval authority for the septic system required that a new septic system be created, as it was deemed inappropriate to connect the new residence to a 50-year-old septic system which serves the existing residence on the property. The new septic system is large enough to service both residences.

Section D7.1.2 outlines the permitted uses in the Prime Agricultural Area. These uses include: *“A maximum of two additional residential dwelling units on a lot that is the site of a single detached dwelling shall be permitted, subject to the provisions of the implementing Zoning By-law.”*

Section 7.1.3 provides further policy for the Second Dwelling. It is intended that the dwelling is to be occupied by an individual who is engaged on a full-time basis on such farm. The unit is encouraged to be located in the existing residential structure in order to use existing services. This policy does not preclude the establishment of a separate residential dwelling unit. On this basis, it is my opinion that the second residence as constructed, complies with the Official Plan.

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

An Excerpt from the Rural Zone Schedule is reproduced as *Figure 4*. The Zone Schedule zones the northern portion of the subject lands in the Agricultural (A) Zone and the southern portion in the Rural (RU) Zone. The watercourse which extends from the northern portion into the southern portion and the wetlands that it empties into, are zoned in Environmental Protection – Exception zones (EP-x). The residence under construction and the existing residence are located in the Agricultural (A) zone, just north of watercourse.

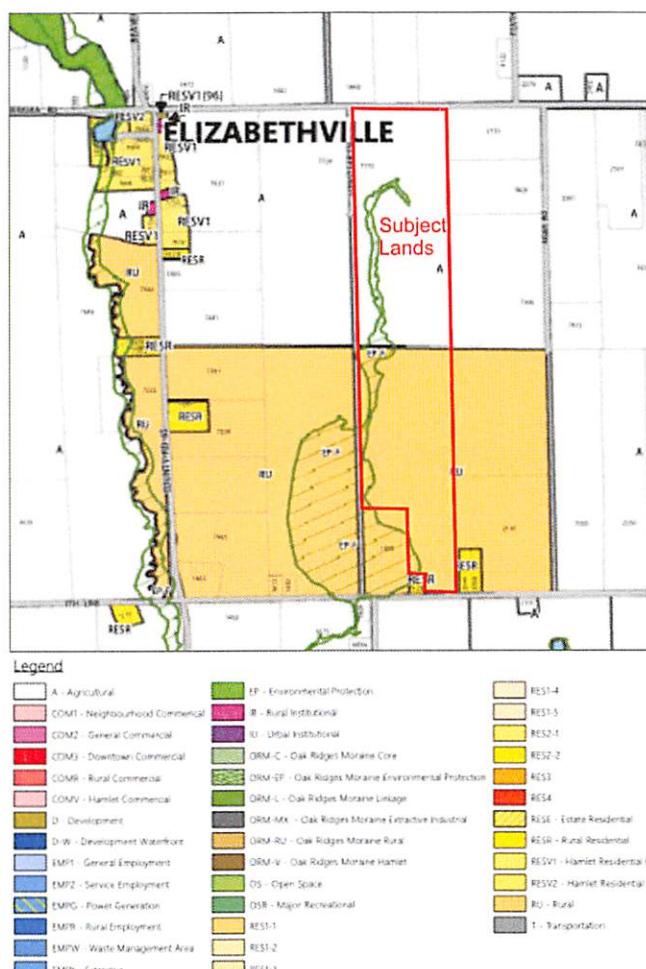


Figure 4 – Municipality of Port Hope Zoning By-law 20/2010 Excerpt, Rural Zone Schedule

Section 9.3 provides a list of permitted uses in the Agricultural (A) Zone. This list includes One



Additional Residential Unit (ARU) subject to the provisions for Additional Residential Units, which are provided in Section 4.2.

The General Provisions are provided in Section 4.2.1.1. Item (d) which outlines where two ARUs are permitted as in the Agricultural (A) Zone, one of the units must be within the primary dwelling and one can be located in a detached accessory building.

Item (f) limits the number of bedrooms to a maximum of two. The existing residential unit which we are calling the ARU contains 3 bedrooms. This will require an exception to this provision.

Item (i) does not permit a basement in an ARU in a detached accessory building. *This is another of the zone exceptions that is required to qualify as an ARU as the existing residence has a basement.*

Item (o) provides provisions for an ARU located in the Agricultural (A) Zone. The ARU is to be serviced by the same well as the primary dwelling unit. The residences subject to this review are serviced in this manner. This section also requires that the detached accessory building (ARU) is to be located within 40 metres of the primary dwelling unit.

Section 4.2.1.1 (o) iv) also requires that if the lot was created after March 1, 2017, the provisions dealing with Minimum Distance Separation apply. My review of the Registry Office Parcel Register indicates that the last change to the lot was a severance in September 1990. Thus, the property existed in its present form on March 1, 2017, and the MDS provisions do not apply.

Section 4.2.1.4 provides regulations for an ARU in a Detached Accessory Building in the Agricultural (A) Zone.

- a) The Provisions of Section 4.2 (Accessory Buildings, Structures and Uses) apply.
These are reviewed above.
- b) The maximum gross floor area of the ARU within a detached accessory building shall not exceed 50% of the gross floor area of the primary dwelling unit but in no case, can be larger than 80 sq.m.
This provision will be met as the Primary Dwelling has a gross floor area of 3,283 sq.ft. (305 sq.m.). This gross floor area has been calculated on the basis of the updated Design Drawings and is outlined in Table 1 below. The ARU has a gross floor area of 1,163 sq.ft. (108 sq.m.). An exception will be required as the floor area of the existing residence is larger than the 80 sq.m. maximum in this section.
- c) The existing residence to be called the ARU shall not exceed the height of the principal building or 5 metres, whichever is less.
This will be complied with as the main floor of the residence under construction (Primary Residence) is a single-storey, but the walkout basement creates a two-storey structure on the lower side with a height of 5.6 m.



Approximate Floor Area Calculation for Primary Dwelling:

LOCATION	DESCRIPTION	APPROVED GFA (M2)	CURRENTLY CONSTRUCTED (M2)
Basement	Internal Habitable Area (including cold cellar)	104 sq.m. (1,128 sq.ft.)	113 sq.m. (1,219 sq.ft.)
	Extended Habitable Area	Area under garage not to be excavated.	52 sq.m. (563.5 sq.ft.)
1 st Floor	Internal Habitable Area including former garage	87 sq.m. (937.2 sq.ft.)	141 sq. m. (1,518 sq.ft.)
Total Habitable Aea	Garage, Porch and Deck are not Habitable Areas	191 sq.m. (2,065.2 sq.ft.)	305 sq.m. (3,283 sq.ft.)

**Note: Minor altered dimensions have contributed to the increased floor area as illustrated in Attachment B.*

Part 9 provides specific zone provisions for the Countryside Zones including the Agricultural (A) Zone. Table 9.1 indicates that both One and Two Additional Residential Units are permitted in the Agricultural (A) Zone. The special provision 7 directs us back to Section 4.2.1. The following table provides our review of the zone provisions:

ZONE PROVISION	STANDARD	EXISTING	NOTES
Minimum Lot Frontage	165.0 m	429 m	
Minimum Lot Area	40.0 ha	72.6 ha	<i>A Zone area – 43.3 ha</i>
Minimum Required Front Yard	15.0 m	329 m	<i>Residence under construction</i>
Minimum Required Exterior Side Yard	15.0 m	19 m	<i>Existing Dwelling</i>
Minimum Required Interior Side Yard	15.0 m	323 m	<i>Residence under construction</i>
- For Single detached dwelling	6.0 m	393 m	<i>Existing Dwelling</i>
Minimum Required Rear Yard	15.0 m	1,330 m	<i>Existing Dwelling</i>
Maximum Height	10.0 m		<i>Existing Residence – 3.5 m</i> <i>Residence Under Construction – 5.6 m</i> <i>(Walkout basement)</i>
Maximum Lot Coverage	10%	0.09%	
- For single detached dwelling	30%	0.035%	

There was discussion about the connection of the residence under construction to the existing septic system in order that the two residences would share this system. The owners have reviewed this option with the County Septic Inspection Group, and they have recommended that they would not approve the connection of the septic service from the residence under construction to a 50-year-old septic system with limited capacity. Instead, they have issued approval for the septic system designed to service the residence under construction and capable of expansion to also service the Existing Dwelling if the system serving it were to fail.



The Zoning By-law Amendment would create an exception zone which would apply to the area currently zoned Agricultural (A) and would include the items outlined above, namely:

- A provision to recognize the existing residence as the Additional Residential Unit;
- 4.2.1.1 (f) to permit 3 bedrooms;
- 4.2.1.1 (i) to permit a basement;
- 4.2.1.1 (o) iii) and 4.3 (b) to permit a separation distance from the primary dwelling exceeding 40m;
- 4.2.1.4 (b) to permit a GFA exceeding 80 sq.m.;
- 4.2.1.4 (c) to permit the height of the residence (5.6m) under construction due to the walk out basement;
- 5.5.2 (e) to permit a fourth driveway accessing the property.

5. SUMMARY AND PLANNING CONCLUSIONS

Clark Consulting Services (CCS) was asked to provide a Planning Opinion on the merits of recognizing the residence under construction as the Primary Dwelling and the existing residence as the Additional Residential Unit (ARU) by a Zoning By-law Amendment. The previous Section outlines the zoning exceptions required to recognize this residential arrangement.

While the zone provisions are intended to ensure that the residence under construction is smaller than the Existing Dwelling unit, this assumes that the Existing Dwelling unit is larger and of more recent construction than the Existing Dwelling unit on the subject lands. For this reason and because the existing residence under construction has received the necessary permits but cannot complete construction due to the Municipal action requiring zoning compliance, it is my recommendation that the application for the required zoning exceptions be submitted to allow the residence under construction to be completed and be approved as the Primary Residence. The residence under construction meets the general objective of providing a residence for members of the farm family who have a direct interest in the farm operation. The proposed residence will not result in the removal of actively used agricultural land and forms part of the existing cluster of structures on the farm property.

The planning approvals required include:

- Application for a Zoning By-law Amendment.

This updated review forms the basis for an Application for a Zoning By-law Amendment.

Sincerely,



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



FIGURES (ILLUSTRATED WITHIN THE REPORT)

Figure 1 – Location Map

Figure 2 – County of Northumberland Official Plan Excerpt, Land Use Schedule

Figure 3 – Municipality of Port Hope Official Plan Excerpt, Schedule C

Figure 4 – Municipality of Port Hope Zoning By-law 20/2010 Excerpt, Rural Zone Schedule

ATTACHMENTS

Attachment A – Site Sketch

Attachment B – Building Design Drawings *(revised to indicate the excavation of the area under the smaller garage)*

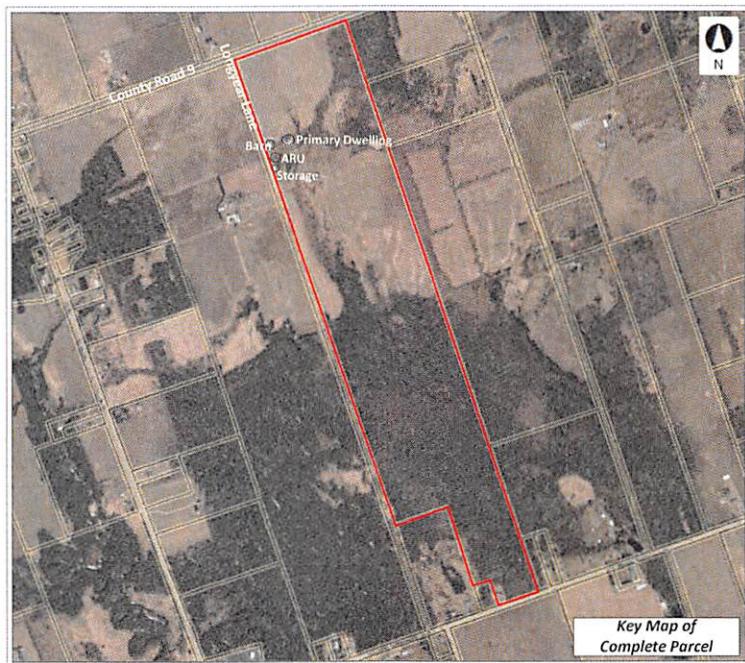
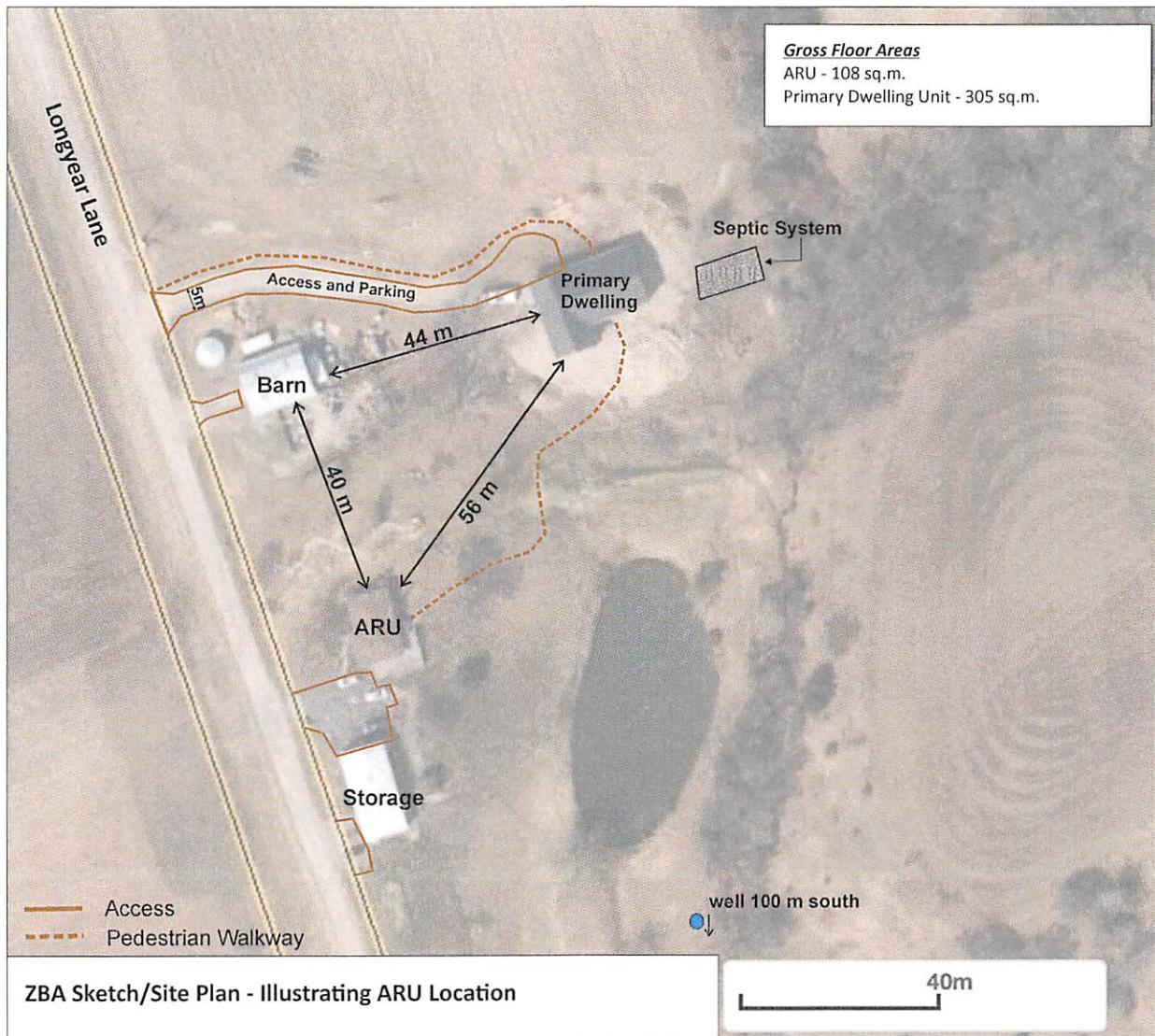
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ATTACHMENT A
Site Sketch

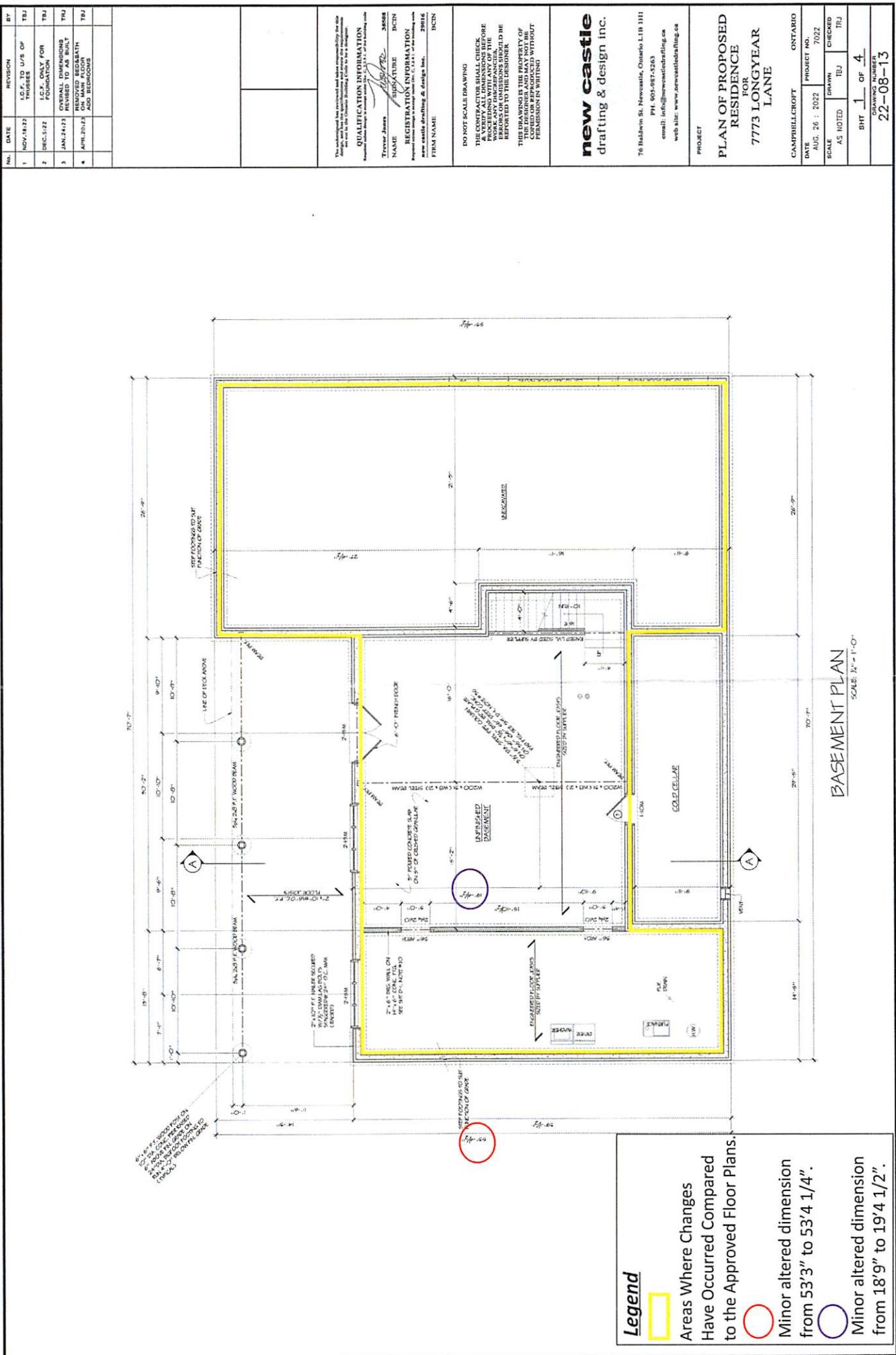


Zoning By-law Amendment Application Sketch/Site Plan
7773 Longyear Lane, Campbellcroft
Municipality of Port Hope, County of Northumberland



ATTACHMENT B
Building Design Drawings
(revised to indicate excavation of area under small garage)
(Prepared by New Castle Drafting & Design Inc.)





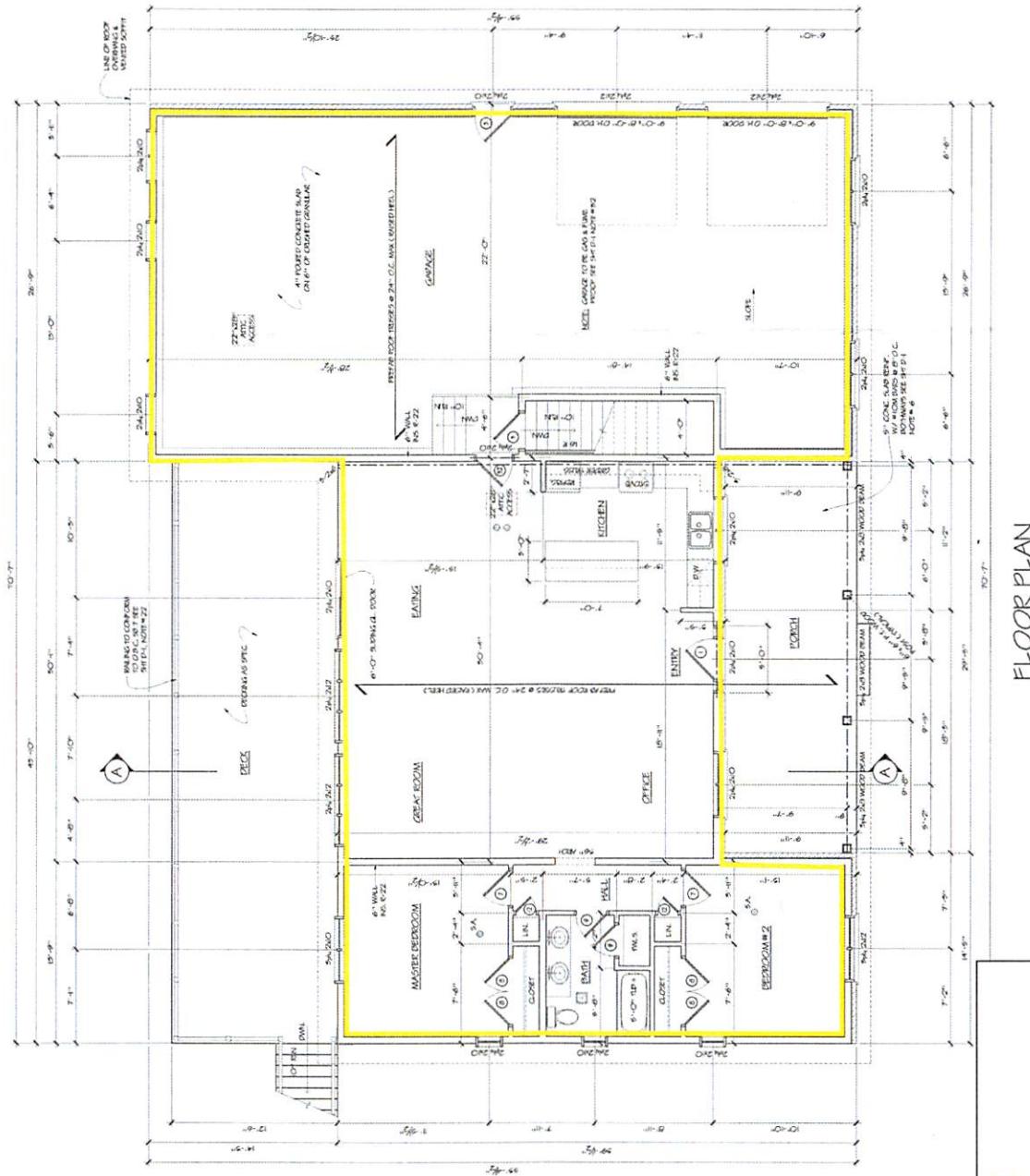
The undersigned has evaluated and taken responsibility for this document and has the qualifications and experience to evaluate and to find a suitable Qualifying Code to be a designator.

TYPE: <u>James</u>	SIGNATURE: 	DEC: <u>2008</u>
NAME: <u>REGISTRATION INFORMATION</u>	SIGNATURE: 	DEC: <u>2008</u>
Inventor and a Resident of the U.S.A. or of a U.S. Possession		
NAME: <u>Mark Gault</u> DRAWING & DESIGN INC.		
FIRM NAME: 		
<p>DO NOT SCALE DRAWING THE CONTRACTOR SHALL CHECK & VERIFY THE DRAWINGS BEFORE WORK. ANY CHANGES MADE WHILE ANY DRAWINGS ARE IN THE CONTRACTOR'S POSSESSION MUST BE MADE IN THE DRAWINGS AND NOT ON THE CONTRACTOR'S COPIES. THE CONTRACTOR SHALL NOT MAKE COPIES OF THE DRAWINGS. THE CONTRACTOR SHALL NOT COPY OR ALTER COPIES MADE IN ACCORDANCE WITH THE DRAWINGS.</p>		

new castle
drafting & design inc.

PLAN OF PROPOSED
RESIDENCE
FOR
7773 LONGYEAR
LANE

DATE	AUG 26 : 2022	PROJECT NO.	7022
SCALE	1/4" = 1'-0"	DRAWN BY	TRJ
SHT <u>2</u> OF <u>4</u>		DRAWING NUMBER 22-08-13	



Areas Where Changes Have Occurred Compared to the Approved Floor Plans.

*Note: There are a few dimensions that are slightly different (by inches) from the approved design which are located in the yellow highlighted area above. However this "As Built Design" does not change the overall "Original Building Design" but does contribute to the increased floor area. A couple of the altered dimensions have been circled above.

