



**Municipality of Port Hope**  
56 Queen Street  
Port Hope, ON  
L1A 3Z9

MEMO TO: Council

FROM: Sagar Babbar, Planner

SUBJECT: Complete Application  
Zoning By-law Application (ZB03-2022)  
3402 Ganaraska Road

DATE: September 28, 2022

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#### **PURPOSE:**

The Municipality of Port Hope has received a Zoning By-law Amendment application and Site Plan application for the lands municipally known as 3402 Ganaraska Road. Due to the current Council meeting schedule, this notice is being provided electronically to Council, the applicant and will be posted on the current Planning Application page of the municipal website. Notice will also be sent through Municipal communications channels and in accordance with the notification requirements of the *Planning Act*.

#### **HIGHLIGHTS:**

- The applicant is proposing to rezone the subject lands from 'IR(2)' Zone to a site specific Development 'D' zone to permit a year-round farm market store, café/bakery with commercial kitchen, recognition of the current legal non-conforming agriculture activities (excluding livestock facilities) and other potential future uses including a single detached dwelling, accessory farm employee accommodation, accessory buildings or structures, a home occupation, farm-related tourism establishment and community garden.
- Staff consider the Zoning By-law Amendment application to be a complete application under Section 34(10.4) of the Planning Act.
- The date for Public Meeting will be scheduled later in 2022.

#### **BACKGROUND:**

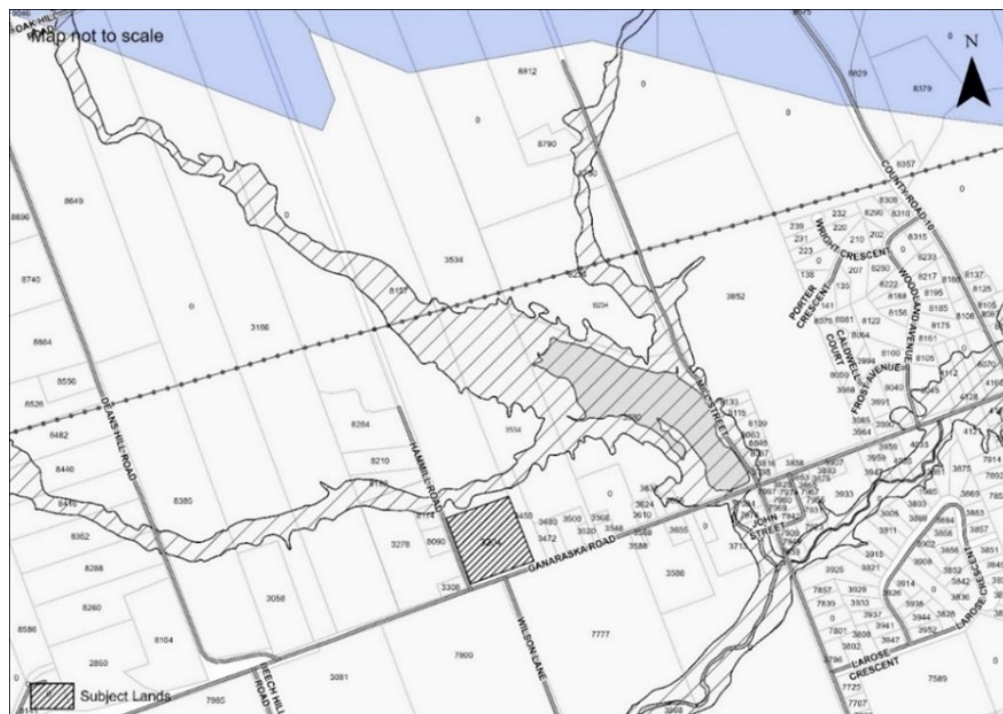
A complete Zoning By-law Amendment application has recently been received from Jamie and Kristin Ferguson for lands located north of Ganaraska Road and east of Hammill Road in the rural area of the Municipality of Port Hope (Figure 1: **Subject Lands Map**). The subject lands have a lot area of 4.34 ha and are municipally known as 3402 Ganaraska Road.

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

The subject lands were severed in 2020 from the northern portion of the property municipally known as 8157 Hammill Road. Prior to the formal consent application, the proponent attended in November 2019, a Pre-Consultation meeting to discuss the development plans on the severed portion: initially vegetable farming following by the construction of an year-round farm market and a commercial kitchen. At that time, staff noted rezoning application with hydrogeological assessment and site plan approval would be required for the future use of a farmer’s market building, prior to seeking a building permit. This was further confirmed in the Staff Report for Consent Application, dated February 11, 2020, and correspondence with the applicants on October 8, 2020.

Staff also notes that there was a minor administrative error when the comprehensive Zoning by-law was adopted in 2010 and permitted uses with respect to the Rural Institutional, Exception #2 Zone. Currently, the zoning states that a place of worship, and accessory guest house are ‘Only Permitted Uses’ under the ‘IR(2)’ Zone. The correct zoning is to have place of worship and accessory guest house as ‘Additional Permitted Uses’ not ‘Only Permitted Uses’ carried forward as in Zoning By-Law 3350. This error has no bearing on the proposed future development of the property, and it has been communicated from the earliest consultations with the applicant that in order to permit the uses in accordance with their development plans, rezoning of the property would be required.

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



**Figure 1: Subject Lands Map**

## **DISCUSSION:**

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

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

This is the first occasion that the above listed new potential future uses have been requested by the applicant.

A Site Plan application is submitted for the farm produce outlet/market garden, including café. Staff is reviewing such application for completeness.

Pursuant to the *Planning Act*, staff will notify the prescribed individuals and agencies regarding the receipt of the complete application.

### **Public Consultation**

Once the application is considered complete, then the technical review from the applicable departments and agencies begins as well as commencement of the public consultation/engagement process.

In accordance with the *Planning Act*, separate Notice of Complete Application and Public Meeting will be mailed to all assessed persons within 120 metres of the subject lands. The notice of complete application will be published in local newspaper (Northumberland News) on October 6, 2022 and posted on the municipal website. All the comments received from local residents concerning the subject application will be made public and attached to Staff reports.

Additionally, a Notice will be posted at the site of the proposed Zoning By-law Amendment on Ganaraska Road. This application will be listed under the "Current Planning Applications" webpage.

As part of the application process, Council must convene a formal "statutory" Public Meeting pursuant to the *Planning Act*. The Public Meeting date will be finalized in the future. At the Public Meeting, staff will present a report that will provide an overview of the planning application, associated reports, planning legislation and comments received to

date. No formal recommendations are provided in the staff report and no Council decision is rendered. The public can provide input to the Municipality's Council and staff at any point prior to Council's decision.

A Planning Recommendation report will be prepared after the statutory Public Meeting and will be presented to a Committee of the Whole meeting, prior to Council rendering a decision.

### **RESOURCE IMPLICATIONS:**

There are no anticipated negative financial implications imposed on the Municipality as a result of these applications. The applicant has submitted the required fees.

### **CONCLUSION:**

1. Staff considers the application for a Zoning By-law Amendment (ZB03-2022) for lands municipally known as 3402 Ganaraska Road to be a *complete application* under Section 34 (10.4) of the *Planning Act*.
2. A Public Meeting date to consider the application will be finalized in the future as per requirements of the *Planning Act*.

Notice of the Complete Application will be in accordance with the provisions of Section 34 of the *Planning Act*.