

Provincial Policy Statement (2014)		
Policy Number	Policy	Comments
1.1.3.1	Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.	The subject lands are located in the prime agricultural area of the County and are, therefore, not located within a settlement area. While the subject lands are adjacent to two existing Lakeshore Nodes, the Lakeshore Nodes are not permitted to expand outside of municipal comprehensive review.
1.1.3.8	<p>A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a municipal comprehensive review and only where it has been demonstrated that:</p> <ul style="list-style-type: none"> a) sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon; b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment; c) in prime agricultural areas: <ul style="list-style-type: none"> 1. the lands do not comprise specialty crop areas; 2. alternative locations have been evaluated, and <ul style="list-style-type: none"> i. there are no reasonable alternatives which avoid prime agricultural areas; and ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; d) the new or expanding settlement area is in compliance with the minimum distance separation formulae; and e) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible. 	<p>The subject lands are located in the prime agricultural area of the County and are, therefore, not located in a settlement area. The subject lands are adjacent to two existing Lakeshore Nodes. Lakeshore Nodes are areas with concentrated existing development which are predominately recreational residences, and may include related commercial, institutional and recreational facilities servicing the area. Lakeshore Nodes are characterized by nodal or linear form of development in lakeshore locations. The PPS does not consider Lakeshore Nodes to be traditional (year-round) settlement areas, as settlement areas are defined as: urban and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:</p> <ul style="list-style-type: none"> a) built up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.2.2. <p>While limited infilling is permitted in Lakeshore Nodes in accordance with the Official Plan, they are not expected to grow at this time.</p> <p>Further, the subject applications were applicant initiated rather than County initiated through a municipal comprehensive review in accordance with Provincial requirements/standards. Any proposed expansion to the Lakeshore Nodes should occur only at the time of a municipal comprehensive review and will require discussion and negotiation with the Province.</p>

Policy Number	Policy	Comments
2.3.1	<p>Prime agricultural areas shall be protected for long-term use for agriculture.</p> <p>Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2 and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.</p>	<p>The subject lands are designated 'Agricultural' in the Haldimand County Official Plan (OP). All of the lands designated 'Agricultural' in the OP are considered prime agricultural lands. The subject lands are Class 2 prime agricultural lands.</p> <p>The subject lands were designated 'Agriculture' (along with the three lots previously severed) as they were considered large enough to act as a distinguishing agricultural parcels between two Lakeshore Nodes. The creation of a new lot for seasonable residential purposes in the prime agricultural area is prohibited. The proposal is inconsistent with Provincial direction to protect prime agricultural lands for long-term use for agriculture.</p>
2.3.4.1	<p>Lot creation in prime agricultural areas is discouraged and may only be permitted for:</p> <ul style="list-style-type: none"> a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations; b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; c) a residence surplus to a farming operation as a result of farm consolidation, provided that: <ul style="list-style-type: none"> 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way. 	<p>The PPS only permits new lot creation for agricultural uses (i.e. farm splits which in Haldimand County generally shall result in two, 100 acre or larger workable farms), agriculture-related uses (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), surplus farm dwelling severances, and infrastructure.</p> <p>Given that new lot creation for non-agriculture related residential development is not permitted, the subject proposal is inconsistent with the PPS.</p>

Policy Number	Policy	Comments
2.3.4.3	The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).	The creation of the proposed, seasonal residential lot is not a surplus farm dwelling severance. The proposal is inconsistent with the PPS.
2.3.5.1	Planning authorities may only exclude land from prime agricultural areas for expansions of or identification of settlement areas in accordance with policy 1.1.3.8.	For the reasons listed under policy number 1.1.3.8, the proposal is inconsistent with the PPS.
2.3.6.1	<p>Planning authorities may only permit non-agricultural uses in prime areas for:</p> <ul style="list-style-type: none"> a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies 2.4 and 2.5; or b) limited non-residential uses, provided that all of the following are demonstrated: <ul style="list-style-type: none"> 1. the land does not comprise a specialty crop area; 2. the proposed use complies with the minimum distance separation formulae; 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and 4. alternative locations have been evaluated, and <ul style="list-style-type: none"> i. there are no reasonable alternative locations which avoid prime agricultural areas; and ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands. 	The proposal is not related to the extraction of minerals, petroleum resources and mineral aggregate resources. Also, the proposal is for residential use. As such, these policies do not apply and the proposal is inconsistent with the PPS.
3.1.1	<p>Development shall generally be directed to areas outside of:</p> <ul style="list-style-type: none"> a) hazardous lands adjacent to the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and c) hazardous sites. 	The Grand River Conservation Authority (GRCA), which reviews development for flooding and erosions hazards, is generally accepting of the development of a new dwelling.

Growth Plan for the Greater Golden Horseshoe (2017)		
Policy Number	Policy	Comments
2.2.1.2	<p>Forecasted growth to the horizon of the Plan will be allocated based on the following:</p> <ul style="list-style-type: none"> a) the vast majority of growth will be directed to settlement areas that: <ul style="list-style-type: none"> i. have a delineated built boundary; ii. have existing or planned municipal water and wastewater systems; and iii. can support the achievement of complete communities; b) growth will be limited in settlement areas that: <ul style="list-style-type: none"> i. are undelineated built-up areas; ii. are not serviced by existing or planned municipal water and wastewater systems; or iii. are in the Greenbelt Area; c) within settlement areas, growth will be focused in: <ul style="list-style-type: none"> i. delineated built-up areas; ii. strategic growth areas; iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv. areas with existing or planned public service facilities; d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise; e) development will be generally directed away from hazardous lands; and f) the establishment of new settlement areas is prohibited. 	<p>The subject lands are located in the prime agricultural area of the County and are, therefore, not located in a settlement area. The subject lands are adjacent to two existing Lakeshore Nodes. Lakeshore Nodes are areas with concentrated existing development which are predominately recreational residences, and may include related commercial, institutional and recreational facilities servicing the area. Lakeshore Nodes are characterized by nodal or linear form of development in lakeshore locations. The Growth Plan does not consider Lakeshore Nodes to be traditional (year round) settlement areas, as settlement areas are defined as: urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:</p> <ul style="list-style-type: none"> a) built up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated. <p>While limited infilling is permitted in Lakeshore Nodes in accordance with the Official Plan, they are not expected to grow at this point in time. Development outside of the settlement areas of the County and the Lakeshore Nodes is not permitted. Any expansion of the Lakeshore Nodes would need to be completed at the time of a municipal comprehensive review and would require discussion and negotiation with the Province. The proposal does not conform to the Growth Plan.</p>

Policy Number	Policy	Comments
2.2.1.3	<p>Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:</p> <ul style="list-style-type: none"> a) establish a hierarchy of settlement areas, and of areas within settlement areas, in accordance with policy 2.2.1.2; b) be supported by planning for infrastructure and public service facilities by considering the full lifecycle costs of these assets and developing options to pay for these costs over the long-term; c) provide direction for urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form; d) support the environmental and agricultural protection and conservation objectives of the Plan; and e) be implemented through a municipal comprehensive review and, where applicable, include direction to lower-tier municipalities. 	<p>Lakeshore Nodes do not support daily living like urban and rural settlement areas in the County. There is no municipal water and wastewater infrastructure provided to Lakeshore Nodes. Lakeshore Nodes are not expected to accommodate population growth in the same way that urban settlement areas (Caledonia, Dunnville, Cayuga, Jarvis, Hagersville, Townsend) accommodate growth. New population growth is directed to the urban settlement areas which are considered complete communities, provide municipal infrastructure and public service facilities, and provide for daily living needs. The proposal to expand the Lakeshore Node outside of the municipal comprehensive review process is not in conformity with the Growth Plan.</p>

Policy Number	Policy	Comments
2.2.1.4	<p>Applying the policies of this Plan will support the achievement of complete communities that:</p> <ul style="list-style-type: none"> a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; d) expand convenient access to: <ul style="list-style-type: none"> i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; ii. public service facilities, co-located and integrated in community hubs; iii. an appropriate supply of safe, publicly-accessible open spaces; parks; trails, and other recreational facilities; and iv. healthy, local, and affordable food options including through urban agriculture; e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban standards; f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and g) integrate green infrastructure and low impact design. 	<p>Given that the proposal is to create a new lot for residential purposes unrelated to agriculture, the proposal achieves none of these objectives. The proposal does not conform to the purpose and intent of the Growth Plan.</p>
2.2.8.1	<p>Settlement area boundaries will be delineated in official plans.</p>	<p>The Lakeshore Node boundaries are delineated in the Haldimand County Official Plan. The proposed lot is clearly outside of the Lakeshore Node boundary. While minor infilling and rounding out is permitted in the Lakeshore Nodes, they are not expected to grow. The proposal does not conform to the Growth Plan.</p>

Policy Number	Policy	Comments
2.2.8.2	<p>A settlement area boundary expansion may only occur through a municipal comprehensive review where it is demonstrated that:</p> <ul style="list-style-type: none"> a) based on the minimum intensification and density targets in this Plan and a land needs assessment undertaken in accordance with policy 2.2.1.5, sufficient opportunities to accommodate forecasted growth to the horizon of this Plan are not available through intensification and in the designated greenfield area: <ul style="list-style-type: none"> i. within the upper- or single-tier municipality, and ii. within the applicable lower-tier municipality; b) the proposed expansion will make available sufficient lands not exceeding the horizon of this Plan, based on the analysis provided for in policy 2.2.8.2 a), while minimizing land consumption; and c) the timing of the proposed expansion and the phasing of development within the designated greenfield area will not adversely affect the achievement of the minimum intensification and density targets of this Plan, as well as the other policies of this Plan. 	<p>While the Lakeshore Nodes are not considered to be traditional (year-round) settlement areas, any expansion would need to be discussed with the Province at the time of a municipal comprehensive review. The subject applications are owner initiated applications and therefore the proposal does not conform to the Growth Plan.</p>
4.2.6.2	<p>Prime agricultural areas, including specialty crop areas, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.</p>	<p>The subject lands are designated 'Agricultural'. New lot creation for residential development unrelated to agriculture is not permitted. The proposal does not conform to the Growth Plan.</p>
4.2.6.8	<p>The prime agricultural areas identified in official plans that are approved and in effect as of July 1, 2017 will continue to be protected in accordance with the official plan until provincial mapping of the Agricultural System has been issued.</p>	<p>Same as above.</p>

Haldimand County Official Plan (2009)		
Policy Number	Policy	Comments
3.A.1)1.	A prime component of the County's economy is the extensive area of highly productive agricultural lands. This asset is fundamental to the economic base and rural lifestyle of the County. It is in the County's interest to preserve that lifestyle and to foster the agricultural industry. The land base must be protected and the use of the lands must be predominately agriculturally oriented to achieve these objectives. The agricultural industry forms the prime economic basis for the rural community and, to the benefit of the County, the range of agricultural activities are quite broad. Generally, new non-agricultural uses shall be located in urban areas, hamlets, industrially designated areas and resort residential nodes.	While the area where the new lot is proposed is not currently farmed, this portion of land is part of a larger agricultural land holding. The subject lands were designated 'Agriculture' as they are large enough to act as a distinguishing agricultural parcel between two Lakeshore Nodes. The creation of a new seasonal residential lot outside of the Lakeshore Nodes is not permitted. As such, the proposal does not conform to the OP.
3.A.1)2.	The agricultural industry should be fostered and protected to ensure its viability for the economic and social benefit of the County. In order to accomplish this the County will: <ul style="list-style-type: none"> a) protect the prime agricultural land for agricultural purposes; and b) encourage the development of agricultural support services within urban areas and designated hamlets. 	Same as above.
3.A.1)3.	Haldimand County is predominantly agricultural and rural in character and consequently, it is a primary goal of this Plan to retain this economic resource. The policies of the Agricultural designation are intended to preserve and protect the agricultural land base for agricultural purposes and to maintain an environment conducive to such purposes.	Same as above.
4.A.5.	Development shall be directed to the urban areas and Hamlets, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in urban areas and Hamlets. Limited development within the existing resort residential nodes and the rural industrial areas (Port Maitland) will continue to be permitted in accordance with the policies relevant to those areas within the Official Plan.	The proposed lot is located outside of an existing Lakeshore Node. There are (re)development opportunities in the twenty plus Lakeshore Nodes in the County. The proposal does not conform to the OP.

Policy Number	Policy	Comments
4.B.2.	<p>The County may consider the expansion of an urban area boundary only during a comprehensive review/municipal comprehensive review of its Official Plan where it has been demonstrated that:</p> <ul style="list-style-type: none"> a) sufficient opportunities for growth are not available through intensification, and in designated greenfield areas to accommodate the projected needs over the time frame of this Plan subject to the intensification targets and designated greenfield area density targets set out in this plan; b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, protect public health and safety and can be provided in a financially and environmentally sustainable manner; c) the timing of the expansion and the phasing of development within the designated greenfield areas contained within the new urban area boundary will not adversely affect the achievement of the intensification target or the designated greenfield area density target; d) the lands do not comprise specialty crop areas; e) there are no reasonable alternatives which avoid prime agricultural areas; f) there are not reasonable alternatives on lower priority agricultural lands in prime agricultural areas; and g) impacts from expanding urban areas on agricultural operations which are adjacent or close to the urban areas are mitigated to the extent feasible. 	<p>The Haldimand County Official Plan speaks to expansions of the urban settlement areas (Caledonia, Dunnville, Cayuga, Hagersville, Jarvis, and Townsend). While the Lakeshore Nodes are not considered to be traditional (year-round) settlement areas, expansion of these Nodes would only be permitted to occur at the time of a municipal comprehensive review. Any expansion would involve study of the need to expand and implications. Discussion and negotiation with the Province would be required. As the proposal is an applicant initiated application to expand the Lakeshore Nodes, the proposal does not conform to the OP.</p>

Policy Number	Policy	Comments
4.F.3.	<p>Prior to implementing the policies relating to the above five principles, additional review is deemed necessary on six important themes. These themes are:</p> <ul style="list-style-type: none"> a) The conversion process from seasonal to year round use; b) Lot size requirements; c) Development on private roads; d) Environmental requirements; e) Septage requirements; and f) Review resort residential node boundaries. <p>Final policies implementing the study will be developed to achieve the principles identified when this review process has been completed. When the policies are formulated, a public participation process will be necessary to outline their implementation and obtain public and agency comments. The process is intended to be completed in 2007. Policies 4.F.4 through 4.F.15 below, are from the former Region of Haldimand-Norfolk Official Plan and are to be considered interim policies until the policy direction emanating from the study has been completed and undergoes public consultation.</p>	<p>The Lakeshore Node boundaries were approved in the 2009 County and Provincially approved Haldimand County Official Plan. Any expansion to the Lakeshore Node boundaries would involve study of the need to expand and implications. Discussion and negotiation with the Province would be required. As the proposal is an applicant initiated application to expand the Lakeshore Nodes, the proposal does not conform to the OP.</p>
4.F.6.	<p>The County supports the preservation of the open nature of the lakeshore by limiting development to designated areas or nodes. Scenic roads, public vistas, and landscapes along the lakeshore will be identified and protected.</p>	<p>The view of the lake will be further obstructed.</p>
5.A.8.	<p>Private roads are roads that are not owned or maintained by the County but are under private ownership and provide vehicular access to more than one property. The County encourages the upgrading of private roads to municipal standards; however, the improvement of private roads will not obligate the County to assume such roads. The County cannot guarantee the provision of emergency services on private roads.</p>	<p>The lot creation policies of the OP does not permit new lot creation on private roads as service cannot be guaranteed.</p>
5.B.2)2.	<p>A single detached dwelling may be erected upon any legally existing vacant lot of record provided:</p> <ul style="list-style-type: none"> a) The Lot has access and frontage on an open public road; b) The lot is capable of accommodating a water supply system and an on-site sanitary sewage system designed and installed as per the <i>Ontario Building Code</i>; and c) The site has appropriate drainage patterns. 	<p>The proposal is for a new lot rather than development on an existing vacant lot of record. Further, the proposed lot would have frontage on a private road. Given that the County cannot guarantee maintenance and operation of the private road and the provision of emergency services, the proposal does not conform.</p>

Policy Number	Policy	Comments
5.H.2.	<p>The division of land is encouraged to proceed by plan of subdivision; however, where the Committee of Adjustment deems that the subdivision process is unnecessary for the proper and orderly development of the community, the creation of new lots may proceed by consent in accordance with the relevant policies of this Plan. Generally, new lot creation by consent shall be guided by the following:</p> <ul style="list-style-type: none"> a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained; b) The creation of new lots for development shall only be granted in accordance with the relevant servicing policies contained in this Plan; c) The proposed severed and retained land fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and d) Not more than five lots are being created. 	<p>The proposal does not conform for the following reasons:</p> <ul style="list-style-type: none"> a) The subject lands are designated 'Agriculture' and are to be protected for agricultural purposes in the long term. The creation of a new lot for seasonal residential purposes is not permitted. b) The new lot would be located on a private road which is not permitted. c) The new lot would be located on a private road which is not permitted. d) No concern.
5.H.3.	<p>Generally consent to sever land in the Agricultural designation may be considered in accordance with the following criteria:</p> <ul style="list-style-type: none"> a) The parcel to be severed and the parcel to be retained are both for agricultural use and are a minimum of 40 hectares in size; b) Severances for individual, small-scale agriculturally-related uses may be permitted provided that the severance of these uses meet the MDS requirements, does not form strip development and the size of the parcel is limited to the amount of land specifically required for the use. c) Severances for legal or technical reasons, including minor boundary adjustments, easements or rights-of-way or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm. 	<p>The proposal does not 'fit' within any of these severance categories. As such, the proposal does not conform to the OP.</p>

Policy Number	Policy	Comments
5.H.4.	A severance may be granted for a habitable farm dwelling of a minimum age of ten years, calculated from the date of occupancy of the dwelling, made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County.	The proposed lot creation is not for a surplus farm dwelling. The proposal does not conform to the OP.
5.H.5.	Infilling lots will only be permitted in Urban Areas, Hamlets and resort residential nodes along the Lakeshore.	The lot is proposed to be located outside of the existing Lakeshore Nodes. The proposal does not conform to the OP.
8.E.2.	<p>In considering a site specific application to amend the Official Plan, the County may require the applicant to provide a justification report having the following:</p> <ul style="list-style-type: none"> a) conformity with the overall intent and purpose of the objectives and policies of this Plan; b) the suitability of the lands affected by the amendment for the use proposed and compatibility with surrounding land uses; c) the impact on municipal services, infrastructure and finances; and d) comments received from the public, County Departments and other agencies. 	The proposal does not conform to these policies.

Town of Dunnville Zoning By-law 1-DU 80		
Provision Number	Provision	Comments
30	<p>In an A Zone no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following provisions:</p> <p>30.1 <u>Permitted Uses</u></p> <ul style="list-style-type: none"> (a) farm (b) animal kennel (c) farm produce grading station (d) storage of school buses (e) seasonal storage of recreational vehicles and equipment as a secondary use to a permitted farm (f) commercial radio, television and tele-communication towers, but excluding any office or studio associated therewith; (g) one family dwelling (h) mobile homes, trailers and bunkhouses for seasonal workers provided they are located on the farm on which the seasonal workers are employed; (i) home occupation (j) farm stand; (k) on-farm market; (l) farm-related processing (m) experiential activities 	<p>The subject lands are currently zoned 'Agriculture (A)' Zone to implement the policies of Provincial and County policies. The proposal to rezone the subject lands does not meet the general intent and purpose of the Zoning By-law.</p>