
HALDIMAND COUNTY

Report PDD-25-2020 Official Plan and Zoning By-law Amendment to Permit 173 Seasonal Cottages and Associated Amenities – LJM Developments Inc.



For Consideration by Council in Committee on August 25, 2020

OBJECTIVE:

To consider an Official Plan and Zoning By-law amendment to facilitate the establishment of 173 seasonal cottages, one community centre (including a multi-use sports field and double tennis court), and outdoor facilities including a multi-use trail and other open space.

RECOMMENDATIONS:

1. THAT Report PDD-25-2020 Official Plan and Zoning By-law Amendment to Permit 173 Seasonal Cottages and Associated Amenities – LJM Developments Inc. be received;
2. AND THAT application PLOP-HA-2020-037 to amend the Haldimand County Official Plan by re-designating the subject lands from 'Agriculture' to 'Resort Residential Node' and to add a site-specific designation to facilitate the establishment of 173 seasonal cottages and associated amenities be refused for the reasons outlined in Report PDD-25-2020;
3. AND THAT application PLZ-HA-2020-036 to amend the Town of Dunnville Zoning By-law 1-DU 80 to rezone lands from 'Agriculture' and 'Hazard Land' to 'Seasonal Residential' with a site specific zoning provision be refused for reasons outlined in Report PDD-25-2020;
4. AND THAT the application is considered not to be consistent with the Provincial Policy Statement 2020, Provincial Growth Plan 2019 and other matters of provincial interest.

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Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning and Development

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

This Official Plan and Zoning By-law amendment has been submitted to facilitate the establishment of 173 seasonal cottages, one community centre (including a multi-use sports field and double tennis court), and outdoor facilities such as a multi-use trail and other open space.

The proposal is located outside of any settlement area, including Haldimand County's Resort Residential Nodes, contains significant erosion hazards, is located within Haldimand County's prime agricultural lands and is made up of highly-capable agricultural soils. A comprehensive review of a number of reports and studies provided with the applicant's application submission was completed, and the application cannot be supported by Planning staff for the following reasons:

- The subject lands are not located within one of Haldimand County's settlement areas, or a 'Resort Residential Node, and expansions to these settlement areas are only considered

during a Municipal Comprehensive Review after a comprehensive land needs assessment has been completed by the County.

- The subject lands are comprised of prime agricultural lands which are protected by both the County Official Plan and the Provincial Policy Statement for long-term use as agriculture.
- The subject lands are located within the most erosive portion of shoreline within Haldimand County (with an average annual recession rate of 0.51 m/1.67 feet per year. Should a 'Resort Residential Node' expansion/creation be warranted through a Municipal Comprehensive Review, the highly erosive qualities of the subject lands do not make them a preferable location for such an expansion.
- The proposed private communal water and sanitary systems require Haldimand County to incur significant servicing risks, including holding enough funds to replace the private system should it fail or require repairs that the owners are unable to make. The private systems also require the County to reserve water and sewer capacities at County-owned facilities, in case the private facilities fail; this capacity is equal to ~\$630,000 of treatment capacity cost; these capacities are better utilized by development proposals within existing urban boundaries.

The proposed amendments have been reviewed against provincial policies, relevant sections in Haldimand County's Official Plan and the Town of Dunnville Zoning By-law 1-DU 80. In Planning staff's opinion, the proposed uses do not conform to provincial policies, Haldimand County's Official Plan or the Town of Dunnville Zoning By-law 1-DU 80.

BACKGROUND:

An application to amend Haldimand County's Official Plan and the Town of Dunnville Zoning By-law 1-DU 80 has been received to facilitate the establishment of 173 seasonal cottages, one community centre (including a multi-use sports field and double tennis court), and outdoor facilities such as a multi-use trail and other open space on the subject lands shown in Attachments 1 and 2. The applicants are proposing private servicing (water and sanitary), including a communal septic treatment facility similar to the services approved for Shelter Cove (also in Haldimand County).

The application was submitted in January 2020 following a pre-consultation meeting held on May 15, 2019. At the pre-consultation meeting, and in the following notes provided to the applicant (June 2019), significant policy concerns regarding the expansion of settlement area boundaries, the removal/conversion of prime agricultural lands, Lake Erie erosion hazards and servicing issues were brought to the applicant's attention, and were reiterated several times before the January 2020 application submission. A vast majority of the subject lands are comprised of prime agricultural land, which both Haldimand County and the Provincial Policy Statement (PPS) protect for the long-term use as agriculture. The addition of 173 seasonal residences and associated amenities would represent a significant expansion of Haldimand County's Resort Residential Node areas, which is generally not contemplated outside of a major Municipal Comprehensive Review of Haldimand County's Official Plan (OP). At best, this application would be considered premature given the OP work that still has to be completed in Phase 2 of the ongoing Municipal Comprehensive Review.

Starting in 2017, and recently completed, Haldimand County, partnered with its local conservation authorities (LPRCA, GRCA and NPCA), completed a Lake Erie Hazard Mapping and Risk Assessment to better identify the Lake Erie hazards affecting Haldimand County; this study found that the subject lands represent one of the most erosive areas in Haldimand County's shoreline with an average annual recession rate of 0.51 m (1.67 feet) per year (Baird, 2020).

Finally, Haldimand County has permitted one communal servicing system as proposed in this application, as a pilot project in the County (Shelter Cove), and, following review of the implementation of that pilot system, County staff have voiced concerns with supporting a second such system.

The subject lands are described as Concession 1, Part Lot 11, Geographic Township of Sherbrooke, and are municipally known as 63 Pyle Road. The subject lands are located east of Rock Point Provincial Park on the north shore of Lake Erie mid-way between Port Maitland and Lowbanks. The subject lands are primarily surrounded by agricultural uses to the east and north, with the property being bound by Lake Erie to the south and Recreational Vehicle parks to the west. The subject lands are approximately 27.4 hectares (67.7 acres), and contain a single dwelling and accessory structure, both which appear to be in a state of disrepair. In 2019, the subject lands were put into agricultural production with a soybean crop.

The purpose of the subject report is to introduce the proposal and to make recommendations on the proposal. Should Council approve this proposal, staff will present draft amendments to the Official Plan and Town of Haldimand Zoning By-law that would establish the principle of use as proposed by the applicant (Attachments 11 and 12). A future implementation process of site plan control is also proposed to be established should the applications be approved (Attachment 13).

ANALYSIS:

Analysis of Policies and Regulations

Provincial Policy Statement

Planning staff has reviewed the proposal relative to the policy framework of the Provincial Policy Statement, 2020 (PPS). The PPS identifies Ontario's settlement areas as cities, towns, villages and hamlets. The PPS does not specifically identify 'Resort Residential Nodes' as a settlement area type. Haldimand County's 'Resort Residential Nodes' were created to recognize existing seasonal residential developments, primarily along Lake Erie within the County. Due to the predominantly seasonal nature of the 'Resort Residential Node' designation, these nodes do not fit well within the 'Settlement Area' objectives of the PPS and are a unique type of settlement area that is generally not encouraged to expand. Any expansion should only be considered during a Municipal Comprehensive Review (i.e. an update of an Official Plan) and in the context of all other settlement areas (urban areas, hamlets). As part of the County's current growth strategy, approved by Council and being further developed through the Official Plan Update, the focus of growth is to be urban areas and new development areas (i.e. expansions to) are only envisioned in Caledonia and Dunnville. The County's land supply analysis and population/employment forecasts have been completed in support of this strategy and do not lend any focus or support to lakeshore development such as what is proposed in the subject application. In staff's view, support for such a development detracts from the justification for the urban area expansions.

The subject lands are classified as a prime agricultural area within the PPS. The overall intent and purpose of the PPS is that prime agricultural areas shall be protected for long-term use for agriculture and that non-agricultural uses in these areas should not conflict with or compromise the ability to undertake agricultural operations. The PPS also sets out policies for Permitted Uses which includes on-farm diversified uses, which are defined 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."

The subject proposal is not an agricultural use, nor is it agricultural-related, or an on-farm diversified use because the applicant seeks to remove the entirety of the agricultural parcel from agricultural use without maintaining any agricultural interests. The proposal does not protect agricultural uses, removes agricultural lands from uses as agriculture, and limits new livestock operations (permitted agricultural uses) through required Minimum Distance Separations from residential uses.

Portions of the subject lands are prone to hazards associated with Lake Erie (primarily flooding and erosion). Ontario's PPS generally directs development away from natural hazards. The subject lands are among the most highly erosive lands in Haldimand County with an average annual recession rate of 0.51 metres per year. Generally speaking, although there are methodological concerns, the application has setback the proposed development from the Lake Erie hazards.

The proposal is not consistent with or supported by the Provincial Policy Statement, 2020.

Provincial Growth Plan, 2019

The Provincial Growth Plan sets out a policy framework that guides development in a compact and vibrant manner, with emphasis on building complete communities while also optimizing the use of existing and new infrastructure to support growth in a compact and efficient form. As the subject lands are considered to be within the prime agricultural area, efforts are to be taken to ensure that the resource is protected for the long-term economic prosperity, quality of life and environmental health.

The Provincial Growth Plan specifically identifies criteria for settlement area boundary expansions (i.e. new residential development projects in undesignated areas). The following criteria have been reviewed as part of this proposal:

1. Settlement area boundaries will be delineated in official plans.

Planning Comment:

Settlement areas boundaries, including urban areas, hamlets and resort residential nodes are identified within Haldimand County's Official Plan.

2. A settlement area boundary expansion may only occur through a Municipal Comprehensive Review.

Planning Comment:

This settlement area is being proposed outside of a Municipal Comprehensive Review (MCR). Such expansions should only be contemplated as part of a MCR to ensure that there is a need for such an expansion. Haldimand County has recently initiated its MCR, and preliminary land use inventory studies by Watson have not identified a need for expansion to Haldimand County's 'Resort Residential Nodes'. The focus of the Phase 1 of the MCR is on the urban areas of the County with hamlets and other rural lands to be assessed in more detail in Phase 2 (which take place in 2021). While some minor boundary adjustments may be considered at that time, information currently available does not suggest major changes would be needed/supportable.

3. Where the need for a settlement area boundary expansion has been justified in accordance with policy 2.2.8.2, the feasibility of the proposed expansion will be determined and the most appropriate location for the proposed expansion will be identified based on the comprehensive application of all of the policies in this Plan.

Planning Comment:

No need for such an expansion has been identified.

4. Notwithstanding policy 2.2.8.2, municipalities may adjust settlement area boundaries outside of a Municipal Comprehensive Review, provided:
 - a) there would be no net increase in land within settlement areas;

Planning Comment:

As no removal of Node area is proposed, there would be a net increase of 27.4 hectares (67.7 acres).

- b) the adjustment would support the municipality's ability to meet the intensification and density targets established pursuant to this Plan;

Planning Comment:

Because 'Resort Residential Node' and 'Seasonal Residential' areas are not intended to provide year-round housing, these uses do not contribute to intensification or density targets.

- c) the location of any lands added to a settlement area will satisfy the applicable requirements of policy 2.2.8.3;

Planning Comment:

The intent is not to expand a settlement area therefore, no rationale was provided for such consideration.

- d) the affected settlement areas are not rural settlements or in the Greenbelt Area; and

Planning Comment:

The affected settlement area is not a rural settlement.

- e) the settlement area to which lands would be added is serviced by municipal water and wastewater systems and there is sufficient reserve infrastructure capacity to service the lands.

Planning Comment:

Private water and wastewater systems are proposed.

- 5. Notwithstanding policies 2.2.8.2 and 5.2.4.3, a settlement area boundary expansion may occur in advance of a Municipal Comprehensive Review, provided:

- a) the lands that are added will be planned to achieve at least the minimum density target in policy 2.2.7.2 or 2.2.5.13, as appropriate;

Planning Comment:

The proposal will not meet minimum density targets because the proposal will not contribute to year-round housing in the County.

- b) the location of any lands added to a settlement area will satisfy the applicable requirements of policy 2.2.8.3;

Planning Comment:

The need for a 'Resort Residential Node' expansion has not been identified by the County.

- c) the affected settlement area is not a rural settlement or in the Greenbelt Area;

Planning Comment:

The affected settlement area is not a rural settlement.

- d) the settlement area is serviced by municipal water and wastewater systems and there is sufficient reserve infrastructure capacity to service the lands; and

Planning Comment:

Private water and wastewater systems are proposed.

- e) the additional lands and associated forecasted growth will be fully accounted for in the land needs assessment associated with the next Municipal Comprehensive Review.

Planning Comment:

Haldimand County has recently initiated its Municipal Comprehensive Review; at this time, no seasonal residential areas have been identified for expansion.

6. For a settlement area boundary expansion undertaken in accordance with policy 2.2.8.5, the amount of land to be added to the settlement area will be no larger than 40 hectares (98.8 acres).

Planning Comment:

The subject lands are 27.4 hectares (67.7 acres); to complete the proposed 'transition' described by the applicant, they have also asked that the trailer parks to the west be included within the boundary expansion, bringing the total expansion area to ~39.6 hectares (97.8 acres).

The proposed expansion of the 'Resort Residential Node' within Haldimand County's Official Plan is not consistent with the Province's Growth Plan.

Haldimand County Official Plan

The subject lands are designated 'Agriculture' and 'Lakeshore Hazard Lands' within the Haldimand County Official Plan. There are three main policy issues relating to the proposed development: i) significant settlement area creation/expansion (regardless of its seasonal nature) outside of a Municipal Comprehensive Review; ii) the conversion of prime agricultural lands/encroachment into agricultural area; and iii) impacts to Lakeshore Hazard Lands.

Generally, settlement area expansion, including the expansion of 'Resort Residential Nodes', is only permitted through a Municipal Comprehensive Review (MCR) of the County's Official Plan, following a thorough land use needs assessment. The County has recently initiated these assessments as part of the MCR; however, no expansion or creation of additional 'Resort Residential Nodes' is anticipated through this process. Although it is pre-mature to comment on how/if Haldimand County's 'Resort Residential Nodes' may change, little or no change is expected. Notably, within the nearby Resort Residential Node of Lighthouse and Johnson Road there is a block of vacant lands larger than 25.5 hectares (63 acres) and could accommodate a development of the same scale; within other Lake Erie adjacent settlement areas, as vacant blocks of land, the following areas are generally undeveloped at this time: Peacock Point 17 hectares (42 acres); Hoover Point 66 hectares (163 acres); Lowbanks 10 hectares (25 acres); and Port Maitland 9 hectares (22 acres). The areas within Haldimand County's existing Lake Erie settlement areas are generally also not exposed to as significant Lake Erie hazards as 63 Pyle Road and have been pre-designated to support seasonal residential uses.

Within the 'Agriculture' designation, the land base is to be protected for the long-term as agriculture. Permitted uses include all forms of farming, as well as land uses compatible with or related to agriculture, including value added uses, secondary uses and agriculturally related uses. The proposal seeks to remove lands within the prime agricultural designation to be converted to a seasonal residential condominium use.

The 'Lakeshore Hazard Lands' designation identifies hazards from Lake Erie, primarily flooding and wave-related hazards, erosion and dynamic beaches. The subject lands are primarily impacted by erosion from Lake Erie and over-steepened slopes. Development is generally directed to areas outside of these hazardous areas. The proposal does generally seek to set construction back from the Lake Erie hazards.

The applicants are proposing to expand the 'Resort Residential Node' by creating a special policy area within the existing 'Agriculture' designation to permit 173 cottages and associated amenities and services – things that would generally be permitted in the 'Resort Residential Node'. This is not supported by the OP's Agriculture policies for reasons stated above. Further, the 'Resort Residential Node' within the OP is defined as areas with concentrated existing developments which are predominantly recreational residences, and may include related commercial, institutional and recreational facilities serving the area. Notably, these are Nodes are intended to recognize "existing developments" and are not intended to be expanded.

Since the approval of Haldimand County's Official Plan in 2009, a few site specific Resort Residential Node expansion applications have been received. In all cases, these proposals have been for five or fewer lots, and staff have consistently recommended against their approval for the same policy reasons laid out in this report. Haldimand County's OP policies provide clear direction to protect agricultural lands, and more particularly to limit the spread of residential growth outside of established settlement areas where land use is established, development is expected/planned and infrastructure is capable of accommodating. The proposal has the same policy challenges as those previous small scale projects and does not conform to Haldimand County's Official Plan.

Town of Dunnville Zoning By-law 1-DU-80

The subject lands are currently zoned 'Agricultural (A)' and 'Hazard Lands' (HL).

The 'A' Zone permits: (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 (n) cannabis production facility. The 'A' Zone does not permit a seasonal resort or similar uses. The current zoning reflects the historic and current use of the subject lands as a farm.

The 'HL' Zone permits: (a) boathouse (b) park, provided there are no buildings located thereon except buildings used for sanitary facilities, change houses for bathers and accessory maintenance and storage buildings (c) golf course excluding any building (d) farm excluding any building. The 'HL' Zone does not permit a seasonal resort or similar uses. The current zoning reflects the hazards of Lake Erie on the subject lands.

The applicants have proposed that the lands be re-zoned to 'Agriculture' with a Special Provision and a Holding Provision. The Holding provision is proposed by the applicants to allow for archeological clearance. The Special Provision is proposed to include site-specific zone provisions to permit the proposed 173 unit leasehold summer cottage sites, including alternative lot areas, frontages, minimum front yard requirements, minimum side-yard requirements, minimum rear yard requirements and alternative parking standards for the proposed community centre. It should be noted as well that given the technical information received to date, staff have not been able to fully assess the suitability of the alternative provisions. For example, whether the density and land coverage proposed can be accommodated with grading measures and stormwater management. While some details have been provided, technical staff have identified that more information is needed to properly assess and conclude. As such, even though staff are not supportive of the application, Council's consideration of approval of the zoning would be, in staff's view, premature until more detailed technical review can take place to fully assess suitability of the alternative development provisions.

Due to the subject lands' location within a prime agricultural area, Haldimand County Planning staff do not support the proposed re-zoning.

Servicing

The applicants intend to service the development with private communal water and sanitary systems. These are systems that will service the proposed development, but are not County owned or maintained. The systems will likely include a large cistern or well, water treatment system and sewage treatment facility. The County approved one pilot communal services project which is Shelter Cove (located southwest of Selkirk). The applicants have identified Shelter Cove as an example of how such a system is acceptable in the County and as the basis for approval of additional such systems as part of their project. Of note, is that Shelter Cove's private systems were approved in principle by the former Region in the 1990s. The technical/construction details were proposed in 2003 and final approved for

construction in 2008. To date, Shelter Cove's private system, while constructed, has not been utilized given the service demands (i.e. the number of units and associated flow outputs/water demands) do not support operation. Based on this, the project has been operating with temporary holding tanks which have been approved by the MOECC. Given the pilot has not provided any reliable information for the County to assess system suitability, it is premature to consider allowing for additional such facilities in the County, based solely on this example. In addition, there are other concerns held by staff relating to such private systems, primarily:

- approval of these systems requires Haldimand County to collect and hold enough funds to replace the system should it fail. This adds administration and monitoring responsibilities for staff;
- reserve water and sewer capacities in the amount of the project (in this case equivalent of 173 residential units, plus community centre) would need to be reserved at the County's plants in case the private systems fail. A general estimate would require the County to reserve ~140 cubic metres of treatment capacity for the proposal, at an approximate cost of \$630,000. These capacities to be held in reserve are better allocated to proposals within Haldimand County's urban boundaries;
- communal systems typically require a municipal responsibility agreement which would obligate the County to assume operations of the systems should the developer become insolvent or walk away from the project. This adds a degree of risk for the County. This is not to suggest that the developer in this case would do or is capable of doing such a thing, rather what the required role of the municipality is in such a situation.

Draft Amendments

Haldimand County Planning staff does not recommend approval of these applications; however, should Council choose to approve the application, copies of the proposed draft Official Plan Amendment (Attachment 11), and a Zoning By-law Amendment (Attachment 12), as proposed by the applicants, have been prepared and attached to this report. Haldimand County technical staff have not been provided with the level of detail required to ensure the functionality of the proposed zoning provisions included in the draft By-law Amendment. With the approval of the requested Official Plan and Zoning By-law Amendment, the proposed development on the subject lands will have a new site specific policy added to the subject lands and the Zoning By-law will have an added special provision.

Site Plan Control

Due to the complexity and potential technical issues, if approved, Haldimand County Planning staff recommends that the subject lands come under site plan control. The subject lands are within an Agricultural (A) zone, which is not usually a site plan control zone, so staff requests that a Site Plan Control By-law be passed by Council if the application is approved. The Site Plan Control By-law is attached to this report at Attachment 13.

Planning Opinion:

Planning staff has reviewed the proposal in relation to Provincial and County policy frameworks and are of the opinion that the proposed amendments are not consistent with and generally does not maintain the intent and purpose of the Provincial Policy Statement, 2020, or the Places to Grow Plan or the Haldimand County Official Plan. Additionally, the proposed amendment to the Zoning By-law will not maintain the intent and purpose of the Town of Dunnville Zoning By-law 1 DU-80. Therefore, Planning staff recommends refusal of the applications.

Analysis of Submitted Materials

As part of the Official Plan and Zoning By-law Amendment applications, the applicant and his agents have provided a number of additional materials for review, including: a topographic survey, preliminary

site plan, Planning Justification Report (IBI Group), Scoped Environmental Impact Statement (Colville Consulting), Agricultural Impact Assessment (Colville Consulting), Archaeological Assessment (AMICK Consultants), Geotechnical Investigation (Landtek Limited), Slope Assessment (Landtek Limited), Functional Servicing and Stormwater Management Report (IBI Group) and a Transportation Brief (IBI Group). These materials were reviewed and considered as parts of a complete application to Haldimand County.

County and Provincial land use policies do not support these applications, and a more detailed analysis of the submitted materials can be found in Attachment 14 (Analysis of Submitted Materials). The opinions in the submitted materials generally focus on agricultural policies, settlement area policies, servicing policies and natural hazard policies.

County and Conservation Authority staff (GRCA and NPCA) are confident that the Lake Erie hazards impacting the subject lands can be addressed through appropriate setbacks, and that the applicant has met or come close to these setbacks with their proposal. Although the technical aspects of the hazards can be addressed on-site, the preference expressed in the Provincial Policy Statement is to direct development away from natural hazards, and the subject lands represent one of the most highly erosive properties in Haldimand County with an average annual recession rate of 0.51 metres per year.

The applicants have further opined that the subject lands should be included within the 'Resort Residential Node' and that the proposal represents an orderly development along the County's shoreline. Haldimand County's Resort Residential Nodes have been designated to recognize areas with concentrated existing developments which are predominantly recreational residences. These residential areas (Nodes) are not intended to expand (per Provincial approvals issued as part of the County's Official Plan), and such considerations must only be made through a Municipal Comprehensive Review of the Official Plan and subsequent Provincial approval; such a comprehensive review has recently been initiated as part of the County's OP Update, making this proposal, at best, pre-mature.

In their planning justification, the applicants have identified through the County's 'Rural Business Tourism and Community Improvement Plan' and/or 'Tourism Strategic Action Plan' that there is a substantial absence of 'roofed over accommodation' options. The applicants have opined that their proposal will provide relief to the absence of these accommodations; however, Haldimand County's Economic Development and Tourism division (EDT), who developed these plans, has confirmed that the proposal does not reduce this County-wide deficiency. EDT has confirmed that the need for roofed accommodations relates to overnight stays, is defined, and includes: hotels, motels and bed and breakfasts; the definition specifically excludes: cottage rentals, campgrounds and trailer parks. The intent of this portion of the County's plans is to promote commercial enterprise that supports tourism and agricultural diversification, and to attract one or more commercial accommodation investor/providers to develop a four season commercial accommodation asset (i.e. a hotel with more than 100 rooms). EDT's comments on this application are further provided as Attachment 6.

The entirety of the proposal is located within prime agricultural lands. With the exception of two naturalized areas and the exposed bluff along Lake Erie, the subject lands are comprised of Class 2-3 Soils (CLI) – where Class 1-3 Soils are considered prime and most capable of supporting agricultural production. The applicants have expressed an opinion that the subject lands do not represent a viable stand-alone parcel; even if this is the case, the Province and Haldimand County prefer farm consolidation and do not support conversion to non-agricultural uses. The applicants have stated that the subject lands are low priority agricultural lands; a vast majority of the subject lands are comprised of highly capable prime agricultural lands and are currently used for crop growing purposes. The applicants have opined that the proposed use is supported by or compatible with agricultural uses; the conversion of the entirety of the subject lands is not supported by or compatible with agricultural uses – not only is a significant quantity of actual agricultural lands removed from production, the conversion

creates additional Minimum Distance Separation complications for livestock facilities and potentially creates other conflicts between farm and sensitive residential uses (smell from manure spreading, farm equipment noise/dust, etc.).

For a more detailed analysis of the submitted materials, please see Attachment 14 – Analysis of Submitted Materials.

FINANCIAL/LEGAL IMPLICATIONS:

There may be financial and legal implications for Haldimand County associated with the proposed private water and wastewater systems.

STAKEHOLDER IMPACTS:

Ministry of Municipal Affairs/Ministry of Housing Ontario – Please see comments in Attachment 5.

Economic Development & Tourism – Please see comments in Attachment 6.

Emergency Services – No objections.

Niagara Peninsula Conservation Authority – Please see comments in Attachment 7.

Grand River Conservation Authority – Please see comments in Attachment 8.

Planning and Development (Development & Design Technologist) – Please see comments in Attachment 9, including traffic comments.

Building & Municipal Enforcement Service – No comments received.

Hydro One – No comments received.

Six Nations Council – No comments received.

Mississaugas of the Credit First Nation – No comments received.

Road Operations – See traffic comments in Attachment 10.

Haldimand-Norfolk Health Unit – No comments received.

Heritage Haldimand – Require the developer to install a fence on the subject property at a distance 2 metres from the east and south property lines of the cemetery. This is to allow a buffer between any future septic system and to protect any unidentified burial sites. There is a tree line near the boundary of the subject property and the cemetery which should be protected, if at all possible.

MPAC – No comments received.

Other – Four letters were received from the public on August 18. These letters raise issues regarding: noise, Lake Erie hazards, protection of agricultural lands, farming compatibility concerns, drainage and stormwater management, traffic, water and wastewater, enforcement of the seasonality of proposed cottages, and existing gas wells on the subject lands. Because these letters were received so close to the meeting date for this application, staff have not had an opportunity to respond to these letters or confirm the location of any on-site gas wells; gas wells were not identified through the Province's 'One Window' comments. The letter themselves have been included in this report as Attachments 15 to 18.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: Yes

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch.
3. Haldimand County Farm Sizes.
4. CIL Soils Mapping.
5. MMAH Comments.
6. Economic Development & Tourism Comments.
7. Niagara Peninsula Conservation Authority Comments.
8. Grand River Conservation Authority Comments.
9. Design Technologist Comments.
10. Traffic Technologist Comments.
11. Official Plan Amendment By-law.
12. Zoning By-law Amendment.
13. Site Plan Control By-law.
14. Analysis of Submitted Materials.
15. Letter from the Public 1.
16. Letter from the Public 2.
17. Letter from the Public 3.
18. Letter from the Public 4.