

Haldimand County Official Plan	
Policy	Planning Comment
Agriculture Policies	
<p>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 predominantly 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.</p>	<p>The subject lands are designated 'Agriculture' in the Haldimand County Official Plan, are zoned 'Agriculture' with a special provision to permit a wind turbine in the Haldimand County Zoning By-law HC 1-2020, and are located in the prime agricultural area of the County.</p> <p>Focusing on the last sentence of this policy, it is Planning Staff's opinion that the proposal to add a seasonal dwelling to a farmed parcel of land in the prime agricultural area is generally not considered to be an agricultural use. Planning Staff interpret policy this policy to mean that seasonal dwellings are directed to resort residential nodes (or Lakeshore Nodes), which include clusters of existing cottages. Further, the 'Lot Creation' policies (5.H.5.) of the Official Plan direct new infilling lots to the urban, hamlet, and lakeshore nodes along the lakeshore.</p> <p>However, the subject lands are an existing lot of record; one year-round dwelling would be permitted on the subject lands if the subject lands had frontage on an improved, public road. Also, farming is a seasonal use (spring planting, summer growing season, fall harvesting). As such, it is Planning Staff's opinion that the proposal to add a seasonal dwelling to the subject lands is not detrimental to the prime agricultural area. At the same time, a seasonal dwelling is more appropriate than a year-round dwelling fronting onto a private road due to the lack of emergency service provision during the winter months and liability on the County. Further lot creation is not permitted in this area of the County as per the 'Agricultural' designation in this area.</p>
<p>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:</p> <ul style="list-style-type: none"> a) protect the prime agricultural land for agricultural purposes; and b) encourage the development of agricultural supportive services within urban areas and designated hamlets. 	<p>Same comment as above</p>

<p>3.A.1)3. Haldimand County is predominately agricultural and rural in character and consequently, it is the 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.</p>	<p>Same comment as above</p>
<p>3.A.1)4. This Plan recognizes the use of the Canada Land Inventory (CLI) of Soil Capability for Agriculture as the principle method of establishing soil productivity classes within the County. However, the County may, over time, employ alternative land evaluation methods. The alternative methods will be undertaken in consultation with the Ministry of Agriculture, Food and Rural Affairs. According to the CLI for Agriculture, Haldimand County consists primarily of Class 1 to 3 soils, which are considered to be prime agricultural lands. The Agriculture designation is comprised of areas where Class 1 to 3 soils predominate. Class 4 to 7 soils may be integral to the agricultural lands.</p> <p>Haldimand County is committed to the protection of prime agricultural lands. However, in light of the predominance of Class 1 to 3 agricultural soils within the municipality, it is also recognized that wherever development occurs within the County, lands with significant capability for agriculture may be utilized.</p>	<p>Same comment as above</p>
<p>3.A.1)5. The predominant use of lands within areas designated for Agriculture shall be agriculture. Agriculture is defined as all forms of farming, including the growing of crops, market</p>	<p>Same comment as above</p>

<p>and nursery gardening, woodlot management, the raising of livestock and the raising of poultry, fish and other animals for food, fur and fibre, aquaculture, apiaries, aviaries and maple syrup production.</p> <p>Land uses compatible with agriculture may also be permitted including animal kennels, forestry uses, activities connected with the conservation of soil or wildlife and resource-oriented land uses, including ventilation and escape shafts that are part of an underground mining operation.</p>	
3.A.1)6. Value Added Uses Policy	Not applicable
3.A.1)7. Secondary Uses Policy	Not applicable
3.A.1)8. Agriculturally Related Uses Policy	Not applicable
3.A.1)9. Existing Highway Commercial Uses Policy	Not applicable
3.A.1)10. Existing Industrial Uses Policy	Not applicable
3.A.1)11. Existing Institutional Uses Policy	Not applicable
3.A.1)12. A single family detached dwelling may be permitted on an existing lot of record or on a lot created by consent in accordance with the policies of the Plan. Accommodations for farm vacations and bed and breakfast establishments may also be permitted in accordance with other policies of this Plan.	<p>This policy permits a single family (year-round) dwelling on agriculturally designated lands, provided all policies of the Haldimand County Official Plan are satisfied. Given that policy 5.B.2)2. 'Servicing in Non-Urban Area' is not satisfied (i.e. the subject lands do not front onto an open public road), a single family dwelling is not permitted on the subject lands. In general, a single family dwelling is not permitted on lots fronting onto private roads for a number of reasons (as discussed in Staff Report PDD-26-2021), including the provision of emergency services during the winter months. The purpose of this application is to permit a seasonal dwelling on the subject lands.</p> <p>Given that a seasonal dwelling is not specifically listed as a permitted use in the 'Agriculture' designation of the Official Plan, it is not permitted as-of-right. Seasonal residences are directed and expected in the Lakeshore Nodes.</p> <p>Further, a single detached dwelling and vacation home (seasonal dwelling) are defined terms in the Haldimand County Zoning By-law HC 1-2020. A vacation home is only permitted in the 'Lakeshore Residential (RL)' Zone (which typically follows the delineated</p>

	<p>Lakeshore Nodes in the Official Plan and built, historic lakeshore lots); a vacation home is not permitted in the 'Agricultural (A)' Zone.</p> <p>The purpose of this application is to permit a seasonal residence on the subject lands, which is located in the prime agricultural area and fronting on a private road.</p>
3.A.1)13. Additional Dwellings Policy	Not applicable
3.A.1)14. The standard for separating residential uses from exiting, new or expanding livestock facilities shall be the Minimum Distance Separation (MDS) formulae, as revised from time to time. The MDS formulae shall also be used when considering the creation of new lots and new development in proximity to livestock facilities. The MDS formulae will be incorporated into the County's Zoning By-law. Notwithstanding policies relating to new developments on existing lots of record, where there is a vacant lot of record that is impacted by MDS, a dwelling may be permitted provided the dwelling is located on the lot at the furthest distance possible from the impacted livestock facilities.	As per Staff Report PDD-26-2021, the application continues to satisfy this policy.
3.A.1)15. Separation distances may also be set out in the Zoning By-law for animal kennels, mushroom farms and other uses which are a potential nuisance with respect to the creation of noise, odour and/or dust.	Planning Staff are not aware of any animal kennels, etc. in this area.
3.A.1)16. Any development which does not meet the Minimum Distance Separation formulae, or other separation distances established by the County, shall not be permitted.	As per Staff Report PDD-26-2021, the application continues to satisfy this policy.
3.A.1)17. Special Crop Areas	Not applicable
Lakeshore Policies	

<p>4.F.1. The Lakeshore Area in Haldimand County has unique development circumstances and opportunities that are due to:</p> <ul style="list-style-type: none"> a) It's location adjacent to the north shore of Lake Erie; b) The ribbon development pattern along the shoreline with concentrated development in certain resort residential nodes; c) Development is on private services with the exception of the Major Industrial uses in the Nanticoke area d) The predominant residential character of the area for both seasonal and year round uses with commercial and tourist opportunities scattered throughout; and e) The industrial uses located around the hamlets of Nanticoke and Port Maitland. 	<p>The Lakeshore Area is not delineated in the Haldimand County Official Plan, as it contains severance uses and varies along the lakeshore. As per policy 4.5.F., the Lakeshore Area consists of a variety of uses, including agriculture. While the subject lands are designated 'Agriculture' and are located within the prime agricultural area of the County, the subject lands are also considered to be within the Lakeshore Area, as they are located in proximity to Lake Erie.</p>
<p>4.F.2. In the summer of 2004, the County prepared a study relating to the Lakeshore Area. The study established five principles for the future planning on the Lakeshore Area. These five principles are:</p> <ul style="list-style-type: none"> a) To provide appropriate opportunities for development in the Lakeshore Area while protecting the health, welfare and safety of Lakeshore residents; b) To protect the Lakeshore as a resource by preserving its natural beauty and environmental significance as outlined in the Vision Statement of the County; c) To reduce municipal financial liability and risk by preventing the need to provide full municipal services (water and sewer) that would be prohibitively expensive for the owner of property 	<p>No comment</p>

<p>along the Lakeshore and the ratepayers in the County as a whole;</p> <p>d) To express through County policy and regulation, the limitations of servicing development on private roads and protect the interest of the County by informing residents of the servicing limitations and the residents' personal liability associated with development on private roads; and</p> <p>e) To market and plan for the north shore of Lake Erie in Haldimand County to ensure it remains an asset for all residents of the County and potential tourists to the Lakeshore area.</p>	
<p>4.F.3. Prior to implementing policies relating to the above five principles, additional review is deemed necessary on six important themes. These themes area:</p> <p>a) The conversion process from seasonal to year round use;</p> <p>b) Lot size requirements;</p> <p>c) Development on private roads;</p> <p>d) Environmental requirements;</p> <p>e) Septage requirements; and</p> <p>f) Review resort residential node boundaries.</p> <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</p>	<p>No comment</p>

interim policies until the policy direction emanating from the study has been completed and undergoes public consultation.	
4.F.4. Haldimand County recognizes that the Lakeshore is an invaluable resource and the Lakeshore area is subject to both natural and human pressures. Integrated decision making will be critical in order that mutually benefit development and actions occur.	No comment
4.F.5. Within the Lakeshore area, a variety of land uses exist ranging from agriculture, residences and recreation to heavy industry. The demand for recreational opportunities will continue to increase as the population of the County grows and society in general has more time for leisure pursuits.	As stated above, the Lakeshore Area is not delineated in the Haldimand County Official Plan. As per policy 4.5.F., the Lakeshore Area consists of a variety of uses, including agriculture. While the subject lands are designated 'Agriculture' and are located within the prime agricultural area of the County, the subject lands are also considered to be within the Lakeshore Area, as they are located in proximity to Lake Erie.
4.5.6. 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.	Planning Staff interpret this policy to mean that seasonal development is generally to be directed to Lakeshore Nodes to protect the lakeshore features and landscape for future enjoyment. However, the subject lands are an existing lot of record in the prime agricultural area. Further lot creation is not permitted in this area (as it would be in the Lakeshore Nodes). Further, Lake Erie is not visible from the intersection of Hoto Line and North Shore Drive; Hoto Line is approximately 1.3 kilometres (0.80 miles long). The subject lands are located 1 kilometre (0.6 miles) into Hoto Line. Permitting a cottage on the subject lands will not affect a scenic road, public vista, or landscape along the lakeshore.
4.5.7. The preferred form of resort residential development is nodes or clusters rather than strip development. Resort residential nodes are identified on Schedules "D.1" to "D.21".	The subject lands are designated 'Agriculture' and are located in the prime agricultural area of the County. The subject lands are located outside of a Resort residential node (Lakeshore Node) and are not designated 'Resort Residential'. The subject lands are a vacant lot of record. New residential lot creation is not permitted in the 'Agriculture' designation.
4.5.8. Lot additions of an appropriate scale for residential purposes to facilitate the development of existing undersized lots of record in the nodes will be permitted. The purpose of	Not applicable

<p>the lot addition will be to allow the lot to accommodate an appropriate water supply system and Class 4 (filter bed) septic system in accordance with the requirements of the Ontario Building Code and achieve appropriate drainage patterns and controls.</p>	
<p>4.F.9. Seasonal residences are the preferred type of dwellings along the lakeshore. Only a limited conversion of seasonal residential structures to year-round residences and new year-round residential infilling development may be permitted, where allowed in this Official Plan. Such areas may be specifically designated in this Official Plan after detailed study of each local situation in consultation with the applicable agencies and conservation authority. The types of issues which should be considered in these detailed studies should include but not necessary be limited to:</p> <ul style="list-style-type: none"> a) Suitability of areas relative to Hazard Lands, along the shoreline, Industrial Influence Area as defined in this Plan, and other land uses; b) Need to maintain a reserve of cottage properties for seasonal use; c) Need to maintain public access and usage of the Lakeshore; d) Implications of assuming and/or upgrading existing private roads and rights-of-way; e) Need for upgrading existing public roads and public rights-of-way; f) Necessity for the provision of services such as recreational facilities, schools and busing, parks, garbage collection, medical fire and police services, etc.; 	<p>It is Planning Staff's opinion that a year round dwelling is not appropriate for the subject lands.</p> <p>The subject lands are designated and zoned 'Agricultural', and are located in the prime agricultural area of the County. It is Planning Staff's opinion that the proposal to add a seasonal dwelling to a farmed parcel of land in the prime agricultural area is generally not considered to be an agricultural use. Planning Staff interpret policy 3.A.1)1. 'Agriculture (above) to mean that seasonal dwellings are directed to resort residential nodes (or Lakeshore Nodes). Further, the 'Lot Creation' policies (5.H.5.) of the Official Plan direct new infilling lots to the urban, hamlet, and lakeshore nodes along the lakeshore.</p> <p>Given the subject lands are fronting onto a private road, are 1 kilometre (0.6 miles) into the private road, are not built to the standard of a year-round municipal road, are not municipally plowed, and the provision of emergency services cannot be guaranteed, it is Planning Staff opinion that a year round dwelling is not appropriate for the subject lands.</p> <p>However, the subject lands are an existing lot of record; one year-round dwelling would be permitted on the subject lands if the subject lands had frontage on an improved, public road. As such, it is Planning Staff's opinion that the proposal to add a seasonal dwelling to the subject lands is not detrimental to the prime agricultural area. Also, farming is a seasonal land use and permitting a seasonal dwelling on the subject lands may encourage continued farming. At the same time, a seasonal dwelling is more appropriate than a year-round dwelling fronting onto a private road due to the lack of emergency service provision during the winter months and liability on the County. Further lot creation is not permitted in this area of the County as per the 'Agricultural' designation in this area.</p>

<p>g) Suitability of soils and lot sizes to support individual sewage disposal systems and potable water supply;</p> <p>h) Potential demands for municipal servicing and major infrastructural improvements must be avoided;</p> <p>i) Feasibility of combining undersized lots to all for development;</p> <p>j) Potential negative impacts on Natural Environment Areas such as wetlands, forested areas and fish habitat;</p> <p>k) Potential negative impacts on cultural heritage resources; and</p> <p>i) Potential negative impacts on agricultural operations and lands.</p>	
4.F.10. New development identified for year round use must have frontage on an open improved public road.	A single detached dwelling is not appropriate on the subject lands. The application has been amended to propose a seasonal residence on the subject lands.
4.F.11. Existing undersized lots or portions thereof may be combined to create single residential lots of a size which meets criteria set out in Section 4.F.8 and the standards of the Ontario Building Code and the Zoning By-law.	Not applicable
4.F.12. The number of seasonal cottage conversions into year round homes may be monitored and controlled in order to preclude the need for services such as water and sewage treatment infrastructure, roadway improvements and parks.	Not applicable
4.F.13. Small scale, resort-oriented commercial uses may be permitted within resort residential nodes .	Not applicable
4.F.14. In areas for recreation, public open space and recreation shall be encouraged along the	Hoto Line is approximately 1.3 kilomertes (0.8 miles) long and is a private road. It is not appropriate to encourage public open space and recreation in this area.

<p>Lakeshore. The recreational resources of the lakeshore should be protected and enhanced. Existing shoreline access points under County jurisdiction should be retained.</p> <p>Public access to beaches on publicly owned properties should be encouraged whenever appropriate.</p>	
<p>4.F.15. Private entrepreneurs shall be encouraged to develop resource oriented recreational facilities of a high quality in area suitable for outdoor recreation along the Lake Erie shoreline. Attention will be given to compatibility of development with the cultural, geological and physical aspects of the Lakeshore and the appropriateness of the particular recreational facilities proposed.</p>	<p>Same as above.</p>
<p>Servicing Non-Urban Area Policies</p>	
<p>5.B.2)1. Generally, municipal water and/or sanitary sewer services shall not be provided to lands outside the designated boundaries of the Urban Areas. Development outside the designated boundaries of the Urban Areas shall be primarily serviced by individual water supply and sewage disposal systems. In only one instance, a private communal servicing system is being considered as a pilot project in accordance with the policies of this Plan. The results of the pilot project will be used in determining the appropriateness of developing communal sanitary servicing systems in non-urban settlement areas of the County.</p> <p>Development using on-site sanitary sewage systems shall require the prior evaluation and</p>	<p>The applicants are proposing a private septic and water system, which are feasible for the subject lands.</p>

approval of such systems in accordance with the Ontario Building Code.	
<p>5.B.2)2. A single detached dwelling may be erected upon any legally existing vacant lot of record provided:</p> <p>a) The lot has access and frontage on an open public road;</p> <p>b) The lot is capable of accommodating a water supply and an on-site sanitary sewage system designed and installed as per the <i>Ontario Building Code</i>; and</p> <p>c) The site has appropriate drainage patterns.</p>	<p>The subject lands are designated and zoned 'Agriculture' and are located in the prime agricultural area of the County. A single family dwelling would be permitted on the subject lands if the subject lands fronted onto an open public road. Given that the subject lands front onto a private road, a single family dwelling is not permitted.</p> <p>A seasonal residence is not permitted in the 'Agriculture' designation and zone, and as per the Zoning By-law, is not permitted to front onto a private road. The proposal to permit a seasonal residence on the subject lands is generally appropriate.</p>
5.B.2)3. Holding Tanks Policy	Not applicable
5.B.2)4. Lifestyle Community Policy	Not applicable
Implementation / Interpretation	
<p>8.E.2. In considering a site specific application to amend the Official Plan, the County may require the applicant to provide a justification report having regard to the following:</p> <p>a) conformity with the overall intent and purpose of the objectives and policies of this Plan;</p> <p>b) the suitability of lands affected by the amendment for the use proposed and compatibility with surrounding lands and uses;</p> <p>c) the impact on municipal services, infrastructure and finances; and</p> <p>d) comments received from the public, County Departments and other agencies.</p>	For the reasons listed above, the application satisfies these policies.