

Planning Justification Addendum	
1) Planning Policy Framework	Planning Comment
The following section pertains to the applicable provincial and municipal policy framework that regulate land uses and development on the subject site. This section is intended to build off the original Planning Justification Report prepared by A.J. Clarke & Associates (dated December 2020) and which forms part of the original application submission package.	No comment
Provincial Policy Framework	
We note that in Report PDD-26-2021 dated April 20 th , 2021 County Staff concur that the original proposal for a year-round dwelling is consistent with the policies of the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe Area (2020). It therefore stands to reason that the same conclusion would be drawn for a seasonal dwelling. Accordingly, no further discussion of these provincial policy documents will be included for the purpose of this addendum.	The Province provided comment on May 18, 2021 that they do not have any comments on the revised proposal. Therefore, the proposal is consistent with the PPS and conforms to A Place to Grow: Growth plan for the Greater Golden Horseshoe.
Haldimand County Official Plan & Zoning By-law	
The Haldimand County Official Plan provides more specific direction for new development within the County. The subject lands are designated 'Agriculture' as per the Official Plan. Along with the vast majority of lands within the County, the subject site is considered prime agricultural land as per the provincial definition based on soil classifications. Although the predominant land use within areas designated 'Agriculture' shall be agricultural uses, the Official Plan specifically permits a single detached	<p>Planning Staff agree that the subject lands are designated 'Agriculture' in the Haldimand County Official Plan.</p> <p>Policy 3.A.1)12. 'Agriculture' of the Haldimand County Official Plan states that 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> <p>A single detached dwelling permits year-round use. The Official Plan does not provide a definition. However given its use throughout the Official Plan "single detached dwelling"</p>

<p>dwelling on any existing lot of record. As an existing lot of record is permitted, a seasonal detached dwelling is therefore permitted on the subject lands.</p>	<p>implies a dwelling for year-round living. Further, the Haldimand County Zoning By-law HC 1-2020 defines a single detached dwelling as a detached dwelling containing only one dwelling unit. The Zoning By-law also defines a vacation home (seasonal detached dwelling) as a dwelling containing only one dwelling unit which is used as a secondary place of residence, on an occasional basis for vacation, recreation and relaxation purposes and where the owner or occupant of the dwelling has a principal place of residence elsewhere. The Zoning By-law permits a vacation home in the 'Lakeshore Residential (RL)' Zone only; a vacation home is not permitted in the 'Agriculture (A)' Zone.</p> <p>Given that a vacation home is not specifically identified as a permitted use in the 'Agriculture' designation or zone, a vacation home (or seasonal dwelling) is not permitted on the subject lands. The purpose of this application is to permit a seasonal dwelling on the subject lands which fronts onto a private road in the prime agricultural area of the County.</p>
<p>However, we do note that the Official Plan also requires single-detached dwellings to have access and frontage on an open public road, among other requirements. The subject lands meet all necessary requirements for a single detached dwelling, with the exception of frontage on an open public road.</p>	<p>Policy 5.B.2)2. 'Servicing Non-Urban Areas' of the Haldimand County Official Plan states that 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>Planning Staff agree that a single detached dwelling (permitting year-round use) is not permitted on the subject lands, as the subject lands do not front onto an open public road.</p>
<p>The same requirement is outlined in the County's Comprehensive Zoning By-law. The subject lands are zoned 'Agriculture (A)' Zone', and subject to an additional special provision. Consistent with the Official Plan, the parent 'A' Zone permits a single-detached dwelling as-of-right on the subject lands. However, the general provisions of the Zoning By-law state that any structure/building must have access and frontage on an improved street. Again, the proposal satisfies all zoning requirements save and except</p>	<p>Planning Staff agree that a single detached dwelling is permitted in the 'Agricultural' Zone provided the proposal satisfies the zone provisions for the 'Agricultural' Zone and the general provisions section of the Haldimand County Zoning By-law HC 1-2020.</p> <p>Section 4.23 'Frontage on an Improved Street' (within the general provisions section) states:</p> <p>No <i>building or structure</i> shall be erected, altered or enlarged on any lot in any <i>zone</i> unless it meets one of the following requirements:</p> <ul style="list-style-type: none"> a) the lot has the minimum required lot frontage on an <i>improved street</i>;

for the minimum frontage requirement. This is the crux of the proposed Official Plan and Zoning By-law amendments.

- b) the lot will have frontage on a future public *street* that is currently being constructed pursuant to a Subdivision Agreement or other Development Agreement with a *public agency*;
- c) the lot is legally tied to a common element condominium having frontage on a condominium element *road* that provides direct access to a public *street* or which connects with another condominium common element *road* having access to a public *street*; and
- d) the lot is legally tied to a common element condominium having frontage on a future condominium common element *road* that is currently being constructed pursuant to a Condominium Agreement or other Development agreement with a *public agency* that provides direct access to a public *road* or which connects with another condominium common element *road* having access to a public *street*.

Further, Section 4.23 'Existing Lots' (within the general provisions section) states (emphasis added):

Where an *existing* lot, **other than a lot located on a private lane**, having lesser *lot area*, *lot frontage* or *lot depth* that that *required* herein is or has been legally held under distinct and separate ownership from abutting lots continuously from the date of the passing of this by-law, then the said lot shall be deemed to conform to the requirements of this by-law with respect to *lot area*, *lot frontage* or *lot depth*, and the provisions thereof respecting *lot area*, *lot frontage* and *lot depth* shall not apply to prevent the use of such lot, or the *erection*, alteration or use of a *building* or *structure* thereon in accordance with all other provisions hereof.

The subject lands cannot satisfy these zone provision such that a single detached dwelling cannot be constructed on the subject lands as-of-right.

<i>Resort Residential Nodes</i>	
<p>Through on-going discussions with County Staff regarding the subject applications, Staff noted that a seasonal dwelling could not be permitted on the subject lands because the subject lands are located outside of a 'resort residential node'. To explore this conclusion, we note that Section F of the Official Plan outlines the various policies for development along the north shore of Lake Erie. Schedule D of the Official Plan identifies a number of Lakeshore Nodes – also referred to as 'resort residential nodes'. These nodes are designated by the County to accommodate lakeshore development within appropriate areas to protect Lake Erie. In these resort residential nodes, seasonal residences are the preferred type of dwelling. Staff's opinion in this matter is that a seasonal dwelling is not appropriate on the subject lands due to the fact that the site is located outside of a designated resort residential node.</p>	<p>Planning Staff agree that Section 4.F. 'Lakeshore' of the Haldimand County Official Plan provides direction on lakeshore development, including Lakeshore Nodes. Planning Staff agree that Schedule D delineates the Lakeshore Nodes in the County. Planning Staff agree that policy 4.F.9. of the Official Plan states that 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 allows in this Official Plan (i.e. in Lakeshore Nodes, outside of hazards, on improved, public roads, etc.).</p> <p>Planning Staff provided the agent and applicants with three items to consider when justifying the amended proposal:</p> <ol style="list-style-type: none"> 1. Land use planning policies (agricultural, resort residential, and legal non-conforming use policies); 2. The provision of emergency services for seasonal use of the subject lands; and 3. Mitigating against year-round use of the subject lands (considering its size and characteristics). <p>Planning Staff's position is that the Official Plan does not permit a seasonal dwelling on the subject lands due to it's current designation and zoning. However, Planning Staff were agreeable to reviewing justification (relating to the three items above) for the amended proposal to determine if the amended proposal is appropriate.</p>
<p>We disagree with this conclusion on the basis that the subject lands do not form part of the Lakeshore Area, and therefore the resort residential policies simply do not apply to the subject applications.</p>	<p>Planning Staff agree that the Lakeshore Area is not delineated on the schedules of the Haldimand County Official Plan. This is on purpose because the Lakeshore Area contains many uses and varies across the lakeshore. However, Planning Staff disagree with the agent's interpretation. It is Planning Staff's opinion that the subject lands are generally located within the vicinity of the lakeshore (see policy 4.5.5. below), albeit in the prime agricultural area of the County where new, residential (seasonal or year-round) lot creation is not permitted (unlike defined Resort Residential Nodes).</p> <p>Policy 3.A.1)1. 'Agriculture' states (emphasis added) 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</p>

	<p>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. <u>Generally, new non-agricultural uses shall be located in urban areas, hamlets, industrially designated areas and resort residential nodes.</u></p> <p>Policy 4.F.5. 'Lakeshore' of the Official Plan states (emphasis added) 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.</p> <p>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. to mean that seasonal dwellings are generally 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>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. Further, farming is considered to be a seasonal land use (spring planting, summer grow season, fall harvest). As such, permitting a seasonal dwelling on the subject lands may encourage continued farming of the subject lands. 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>The Lakeshore Hazard Lands are sensitive environmental areas that were identified through detailed shoreline management plans prepared by conservation authorities. Section F of the Official Plan provides no direction to define the</p>	<p>Planning Staff agree that the Lakeshore Area is not delineated on the schedules of the Haldimand County Official Plan. This is intentional due to the characteristics and extent of development in certain areas along the lakeshore. However, Planning Staff disagree with the agent's interpretation.</p>

<p>boundaries of the Lakeshore Area. The only direction provided in the Official Plan to identify the extent of the Lakeshore Area is found in Schedules A and E. Both schedules identify 'Lakeshore Hazard Lands', which are subject to the policies of Section 2.C.2 of the Official Plan. With no other policy direction provided in the Official Plan, it stands to reason that the Lakeshore Area is defined by the extent of the 'Lakeshore Hazard Land Area' – the lands which have been identified as having a sensitive relationship with Lake Erie.</p>	<p>Policy 4.F.1. 'Lakeshore' of the Haldimand County Official Plan states 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 of 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>Policy 4.F.5. 'Lakeshore' of the Official Plan further states (emphasis added) 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.</p> <p>Given these policies, it is Planning Staff's opinion that the Lakeshore Area consists of more than just the Lakeshore Hazard Land Area. The 'Lakeshore Hazard Lands' designation delineates areas that are subject to hazards associated with Lake Erie and that are regulated by a conservation authority. Development may be subject to additional regulation and review in this designation to ensure it is safe from lakeshore hazards. The subject lands are located within the vicinity of the Lakeshore Area, which includes prime agricultural lands as per policy 4.F.5. Identifying the subject lands as within the Lakeshore Area provides further support for a seasonal residence on the subject lands (i.e. seasonal residences are expected in the Lakeshore Area).</p>
<p>As can be seen in Figure 1 below, it is clear that the subject lands are intended to be located outside of the 'Lakeshore Hazard Land Area'. It is therefore our opinion that the Lakeshore Area policies under Section F, including the resort</p>	<p>Planning Staff agree that the subject lands are not subject to the 'Lakeshore Hazard Lands' designation.</p> <p>Planning Staff disagree that the resort residential node policies do not apply. As discussed above, Planning Staff interpret policy 3.A.1)1. to mean that seasonal dwellings are generally directed to resort residential nodes (or Lakeshore Nodes). However, as stated</p>

residential node policies, do not apply in this instance.	above, it is Planning Staff's opinion that the proposal to add a seasonal dwelling to the subject lands (which are an existing vacant lot of record where a single detached dwelling would be permitted if the subject lands fronted onto an improved municipal road) is not detrimental to the prime agricultural area. Farming is considered to be a seasonal land use. Permitting a seasonal dwelling on the subject lands may support the continued agricultural use of the property. At the same time, the subject lands are located in proximity to Lake Erie (where seasonal dwellings are expected) and 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.
2) Planning Rationale	
To briefly summarize the policy overview above, we conclude that the subject lands are subject to the 'Agricultural' designation in the Official Plan and the 'Agricultural (A) Zone' in the Zoning By-law. Furthermore, it is our opinion that the subject lands do not form part of the Lakeshore Area and are not subject to the policies outlined under Section F of the Official Plan. Accordingly, we note that the proposed seasonal dwelling is permitted on the subject lands, however it does not meet the requirement for frontage on a public road.	<p>As discussed above, Planning Staff agree that the subject lands are designated and zoned 'Agricultural' in the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020. Planning Staff disagree that the subject lands are removed from the Lakeshore Area. Planning Staff interpret policy 4.F.5. to mean the Lakeshore Area includes prime agricultural lands and the subject lands are located within the vicinity of Lake Erie. Planning Staff disagree that a seasonal dwelling is permitted as-of-right in the 'Agricultural' designation and zone provided the lot has frontage on an improved public road. A vacation home (or seasonal dwelling) is only listed as permitted in the 'Lakeshore Residential (RL)' Zone. A vacation home is not listed as a permitted use in the 'Agricultural (A)' Zone. The purpose of the application is to permit a seasonal dwelling on the subject lands, which also front onto a private road.</p> <p>Interpreting the subject lands to be within the Lakeshore Area provides more support to the amended proposal to permit a seasonal dwelling on the subject lands.</p>
When assessing the appropriateness of these applications, it is important to consider the local context and the compatibility of the proposed development with adjacent lands. It is our opinion that the proposed seasonal dwelling is appropriate for the subject lands given the surrounding context. In terms of land use compatibility, it is clear that a single-detached dwelling is appropriate adjacent to other single-detached dwellings and agricultural lands. This is	<p>Planning Staff agree that a seasonal dwelling on a lot of record is generally compatible with surrounding agricultural and residential uses. Neighbours in the area had concerns about the area converting into a year round neighbourhood; the amended application should alleviate concerns.</p> <p>Planning Staff disagree that the only issue pertains to the use of Hoto Line (a private road) for access to a seasonal dwelling.</p> <p>As stated above, Planning Staff provided the agent and applicants with three items to consider when justifying the amended proposal:</p>

<p>a common interface seen throughout the County and broader Province. As such, the only issue pertains to the use of Hoto Line (a private road) for access to a seasonal dwelling.</p>	<ol style="list-style-type: none"> 1. Land use planning policies (agricultural, resort residential, and legal non-conforming use policies); 2. The provision of emergency services for seasonal use of the subject lands; and 3. Mitigating against year-round use of the subject lands (considering its size and characteristics). <p>These items have been satisfactorily addressed through the amendment to the application, including the planning addendum; discussion with EMS (who are supportive of the amended application); and follow-up discussion with the agent as well as confirmation that the County can limit the use of the property to April 1st to October 31st in the same calendar year.</p>
<p>In reviewing the context of the site, it was noted that there is an existing wind turbine located approximately +/- 650 metres from the proposed location of the seasonal dwelling. At the time of writing, there are ongoing discussion with County Staff and Mr. Tom Humphrey, site manager for the wind turbine operated by ENGIE Canada Inc, to determine what (if any) measures need to be taken to ensue the safety of a dwelling in relative proximity to a wind turbine. At this time, it does not appear that there are any regulations which restrict the location of the dwelling relative to the wind turbine, and we would also note that there are other dwellings located much closer (+/- 280 metres) to the Turbine. Nonetheless, the applicants are willing to work with ENGIE Canada Inc. to ensure that both current and future property owners are aware of potential noise nuisances resulting from the turbine. Accordingly, the applicants are amendable to placing a legal agreement on title of the subject lands which would make any further owner aware of the potential noise source prior to purchase. The</p>	<p>As a result of received public comments, Planning Staff reached out to the Ministry of Environment, Conservation and Parks (MECP) following the April 20, 2021 Council in Committee meeting to determine the required setback between the wind turbines in the area and the proposed seasonal dwelling on the subject lands. The MECP stated that Planning Staff would need to contact the wind turbine company and provided their contact information. Planning Staff contacted the wind turbine company.</p> <p>Planning Staff reviewed the zoning of the subject lands and surrounding area. The subject lands, together with 17 Hoto Line, were rezoned in 2007 to permit a wind turbine (By-law 494-HC/07). It is Planning Staff's best guess that 17 Hoto Line and the subject lands were thought to be one property in 2007. Planning Staff investigated this with other County staff and learned that the subject lands were created in the Municipal Property Assessment Corporation (MPAC) database in 2014. Although staff are not sure why the R Plan (2013) was deposited to the Land Registry Officer and MPAC, the lands are divided by a contiguous property such that 17 Hoto Line and the subject lands are considered two be two separate parcels. The separation may not have been realized until recently.</p> <p>Further, 93 Farr Road was also rezoned in 2007 to permit a wind turbine (By-law 493-HC/07). Both properties were placed under a Holding (H) provision and placed under site plan control for the construction of the wind turbines (By-law 499-HC/07-SP). The H provision was removed (By-laws 514-HC-07 and 513-HC-07).</p>

<p>agreement would be crafted in coordination with ENGIE Canada Inc. We note that such an agreement would only be prepared should it ultimately be deemed to be an appropriate measure by ENGIE Canada Inc. and the applicants. Those discussion are ongoing at this time, although we expect a resolution on this manner prior to a hearing before Council.</p>	<p>The zoning by-laws (493-HC/07 and 494-HC/07) for the properties permitted a wind turbine subject to the following criteria:</p> <ul style="list-style-type: none"> e) That in lieu of Section 30.(2) – General Zone Provisions of the Agricultural (A)' Zone, the minimum front yard, exterior yard, interior side yard and rear yard setbacks for a wind turbine shall be 1.0 times the total length of the rotor blade, plus 10.0 metres, but shall not be less than 30 metres; f) That the minimum setback of a wind turbine from any registered access easement or right-of-way shall be 1.0 times the total length of the rotor blade, plus 10.0 metres, but shall not be less than 30 metres; i) That the minimum setback of a wind turbine from an existing off-site residential dwelling or existing institutional building shall be the distance from the residential dwelling or institutional building to a perimeter of the location envelope or 300 metres, whichever is greater; j) That the minimum setback of a wind turbine from all residential and institutional zones shall be the distance from the closest part of the residential or institutional zone to the perimeter of the location envelope or 300 metres, whichever is greater; l) That the maximum height for a turbine shall be 121 metres as measured from the base of the tower to the tip of the blade. <p>Given the required setback at the time of installation was 300 metres and the proposed seasonal residence is approximately 650 metres from the existing wind turbines, it is Planning Staff's opinion the proposal is appropriate in relation to this item. Planning Staff note that the County no longer has authority over the placement and permitting of wind turbines under more recent regulations.</p> <p>However, Planning Staff contacted the Ministry of Environment and Climate Change (MECP) and subsequently the wind turbine company to ensure that the amended application posed no concern. The wind turbine stated that Ontario Regulation (Ontario Reg 359/09 subsection 54(1) 2.1) states a minimum 550 metre setback is required from a wind turbine. The wind turbine company will not object to the proposed location of the seasonal dwelling (650 metres from the wind turbine) provided the applicants enter into the Landowner Acknowledgement Agreement (Attachment 7 to the staff report). Planning</p>
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	Staff recommend a Holding Provision be affixed to the zoning of the subject lands to ensure this occurs.
Through the review process, County staff notes concern regarding the potential loss of prime agricultural lands. In response, we note that a residential dwelling is a standard permitted use on any agricultural land in the County (or any other municipality) – regardless of seasonal or year-round use. In order to minimize the potential loss of viable agricultural land, the applicants have specifically located the proposed dwelling in the southwest corner of the site, leaving the vast majority of the site untouched. Further, it is our opinion that the proposal adequately minimizes the loss of prime agricultural lands. It is also important to bear in mind that if the exact same land were fronting along a public road, the subject applications would not be necessary. The point is simply that under ordinary circumstances, the proposed seasonal dwelling on agricultural land would not even be discussed – it would be a standard permitted use both by provincial and municipal standards. The only factor which differentiates this land from any other agricultural lands is the lack of frontage on a public road.	<p>Planning Staff generally agree.</p> <p>As stated above, Planning Staff disagree that a seasonal dwelling is permitted as-of-right in the 'Agricultural' designation and zone provided the lot has frontage on an improved public road. A vacation home (or seasonal dwelling) is only listed as permitted in the 'Lakeshore Residential (RL)' Zone. A vacation home is not listed as a permitted use in the 'Agricultural (A)' Zone. The purpose of the application is to permit a seasonal dwelling on the subject lands, which also front onto a private road. Planning Staff agree that the amended application is appropriate.</p>
Hoto Line is an existing private road which provides legal access to North Shore Drive for the subject lands, as well as more than a dozen other seasonal and year-round dwellings. Despite this fact, there have been a variety of concerns raised throughout the review process regarding the use of Hoto Line for access – particularly for a year-	Planning Staff generally agree. The applicants will be expected to work with their neighbours to maintain the private road for seasonal use (re-graveling, tree cutting and removal, etc.). Planning Staff recommend that if Council wants to approve this application, a clause be inserted into the special policy and provision that states the seasonal dwelling can only be occupied only from April 1 st to October 31 st in the same calendar year.

round dwelling (as per the original proposal). It is our opinion that the revised proposal for a seasonal dwelling can effectively satisfy all concerns pertaining to the use of the private road for access to the subject lands. This specific matter is discussed in greater detail in Section 3 of this addendum.	
The primary concerns noted throughout the application process by Staff, the public, and Council pertain to the use, maintenance, safety, and liabilities associated with the use of Hoto Line for a single-detached dwelling. Based on the foregoing discussion, it is our opinion that the only outstanding issues to be resolved revolve around the use of a private road for access to a seasonal dwelling. Through the technical review and public consultation processes, numerous concerns were highlighted with regards to the use of the subject lands for a dwelling. This section is intended to specifically identify and address each of those concerns.	<p>Planning staff generally agree. However, as stated above, Planning Staff provided the agent and applicants with three items to consider when justifying the amended proposal:</p> <ol style="list-style-type: none"> 1. Land use planning policies (agricultural, resort residential, and legal non-conforming use policies); 2. The provision of emergency services for seasonal use of the subject lands; and 3. Mitigating against year-round use of the subject lands (considering its size and characteristics). <p>The agent has satisfactorily addressed item 1. Items 2 and 3 have also been satisfactorily addressed, as discussed above.</p>
Overview of Comments/Concerns	
Firstly, there were concerns that the original proposal for a year-round dwelling and the ensuing year-round use of Hoto Line would cause additional damage to the road during the winter months. If such damage occurs, how would the costs associated with the maintenance of the road be fairly distributed amongst neighbouring owners? Furthermore, who would be responsible for clearing and plowing the road during the winter months?	No comment
Beyond the maintenance of the road, County Staff expressed specific concern regarding safety	It is Planning Staff's opinion that the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020 specifically prohibit new year-round dwellings on private roads

and liability issues for a year-round dwelling. The primary thrust of these concerns pertained to the ability for emergency services to access the site year-round. Emergency Services note that they could not be guaranteed during the winter months in the event of significant snowfall without standard municipal plowing and maintenance services. This would therefore create a liability for the County in terms of the life and safety of future residents. Although an option(s) was presented by Staff to prepare a legal agreement(s) to above the County of any such liability was presented, the ultimate concern of Council was life and safety of future residents.	for a number of reasons, including the provision of emergency services. The subject lands are located on a private road approximately 1 kilometre (0.6 miles) from North Shore Drive (a public road). The private road is not built to year-round municipal standards and the County does not plow the private road. The previous application did not represent a unique or 'one-off' situation where it should have been approved. Planning Staff recommended refusal of the application, as they considered it to be bad land use planning and non-conforming to the general intent and purpose of the Official Plan and Zoning By-law. Planning staff provided options to Council should they have wanted to approve the application, to limit the liability of the County), however it was their opinion that the application continued to represent bad land use planning. Council deferred the application at the request of the agent and applicants to review options for seasonal living.
Finally, Staff raised concern regarding potential future pressure for the County to adopt the private road and assume responsibility for its maintenance. Although the private road is already utilized for access by roughly 15 dwellings, Staff expressed concern that an additional dwelling might increase pressure on the County.	Planning Staff agree with this statement.
Response to Comments/Concerns	
By revising the application to a seasonal dwelling, it is our opinion that all of the concerns noted by the public, Staff, and Council can be appropriately addressed.	Planning Staff agree that concerns relating to year-round use of the subject lands have been addressed, and all other matters have been addressed.
With regards to concerns regarding costs and maintenance of the road, the concerns expressed by neighbours and staff are satisfied. Whereas a year-round dwelling presented potential issues pertaining to fair cost-sharing and ongoing maintenance, a seasonal dwelling eliminates those concerns by eliminating winter access. It	Planning Staff generally agree.

<p>also eliminates concerns regarding costs to plow the road and additional damages that may arise as a result of plowing. Should the seasonal dwelling be permitted, road maintenance would be done as has historically (and currently) been the case – through a cost-sharing program amongst roughly 15 homeowners that utilize Hoto Line to access their lands.</p>	
<p>We would also note that County Staff reached out to Mr. Tom Humphrey, a site manager for Wind and Solar Ontario East (WSOE) – the company responsible for the wind turbines in the area. Mr. Humphrey noted that the company maintains only that portion of Hoto Line from the last full-time residence to the turbine access – this maintenance work includes spring grading, gravel, and tree trimming as needed. It is our position that this conformation further supports the proposal for a seasonal dwelling, confirming that additional ongoing road maintenance is provided by WSEO – albeit for only a portion of the overall private road.</p>	<p>WSOE only works on the private road when they have scheduled repair of the wind turbine and only the portion of the private road to their wind turbine, north of the subject lands.</p>
<p>In addition to road maintenance, it is our opinion that the revised proposal for a seasonal dwelling resolves the issue of safety for Emergency Services (EMS). Through correspondence with County Staff (see Appendix A), it has been confirmed that Emergency Services can guarantee access the site during the non-winter months (April/May to end of October) – provided that the road is maintained and trees along the roadside are cut back as needed. To this end, the applicants continued to be willing to enter in a</p>	<p>Planning Staff generally agree. Legal and Risk Services Staff to determine if an agreement is required.</p>

<p>legal agreement with the County which would serve two general purposes:</p> <ol style="list-style-type: none"> 1) To maintain Hoto Line (up to the subject site) to a serviceable standards and to maintain the adjacent trees/vegetation along the side of the road as necessary; and, 2) To absolve the County of liability in the event that EMS is unable to access the site. 	
<p>The ultimate details of any legal agreements would be resolved in coordination between the applicants and their legal representative(s), and the County's legal department. In addition to any legal agreements, the applicants would be happy to provide sufficient area within their future driveway for any EMS vehicles to safely turnaround and exist the site in a forward direction, if that would further improve access for EMS. The applicants are also willing to provide a pond on-site if there is any additional need for EMS access to water. We feel the proposal and solutions identified above adequately satisfy all concerns regarding safety and any potential liability risks on the County's behalf.</p>	<p>Planning Staff generally agree.</p>
<p>Regarding the concerns raised by Staff concerning pressure for the County to adopt the private road, we maintain our original position that this private road already exists and is already being utilized by roughly 15 dwellings. It is not reasonable to assume that the addition of one (1) additional dwelling will suddenly create a situation in which the county will be pressured to</p>	<p>There are existing vacant lots of record in this area, as well as other areas serviced by private roads in the County. It is the cumulative effect of permitting more development on private roads (especially year round development) that could lead to these requests.</p>

adopt or otherwise take responsibility of a private road (now or in the future).	
<p>Finally, we make note that the County appears to be the legal owner of a portion of Hoto Line – being Part 3 on Plan 18R-7104 (see Appendix B). As per the legal opinion provided by the office of McCarthy & Fowler (see Appendix C), Part 3 is a municipal road allowance owned by the Corporation of Haldimand County. Accordingly, it stands to reason that the County in fact has some stake in the overall function/maintenance of Hoto Line. This is certainly a unique circumstance and appears to be remnant lands from a historic concession road allowance that (to our knowledge) was not formally closed. The office of A.J. Clarke & Associates Ltd. does not make any representations about any specific legal obligations or responsibilities on the County's part for that section of the road – however we would like to raise this matter as it does help further establish the uniqueness of this application. We would be happy to discuss this matter with Staff, as deemed necessary.</p>	<p>The County owns a very small portion of Hoto Line adjacent to the lands running perpendicular off Hoto Line which separate the subject lands from the property to the north (17 Hoto Line). The County does not own a significant portion of Hoto Line.</p> <p>It is Planning Staff's opinion that this comments does not provide supportability to the application.</p>
Conclusion	
<p>In conclusion, it is our opinion that a seasonal dwelling on the subject lands is appropriate. The proposed use is compatible within the context of the surrounding neighbourhood, and will result in minimal loss of viable prime agricultural land. We also note that the applicants would be willing to enter into an agreement on title which acknowledges the potential nuisance causes by a wind turbine – should an agreement be deemed necessary in consultation with ENGIE Canada Inc.</p>	<p>Planning Staff generally agree. As stated above, Planning Staff disagree that a seasonal dwelling is permitted as-of-right in the 'Agricultural' designation and zone provided the lot has frontage on an improved public road. A vacation home (or seasonal dwelling) is only listed as permitted in the 'Lakeshore Residential (RL)' Zone. A vacation home is not listed as a permitted use in the 'Agricultural (A)' Zone. The purpose of the application is to permit a seasonal dwelling on the subject lands, which also front onto a private road. The wind turbine company has determined that an agreement is required.</p>

<p>From a policy perspective, the proposed use would be permitted as-of-right by both the Official Plan and Zoning By-law, however the site does not have frontage on a public road.</p>	
<p>Regarding the use of Hoto Line (a private road), we feel that the revision to a seasonal dwelling adequately addresses all concerns raised by Staff, Council, and the public. Staff have confirmed that Emergency Services can access the site during non-winter months, and the applicants are still willing to enter into a legal agreement(s) which comments to maintain the road to a serviceable standard and absolves the County of liability in the event that Emergency Services cannot access the site. Again, the details of those agreements would be coordinated between the County's legal department and the applicant's solicitor. It is our opinion that this is appropriate land use planning rationale to permit the proposed seasonal dwelling.</p>	<p>Planning staff generally agree. However, as stated above, Planning Staff provided the agent and applicants with three items to consider when justifying the amended proposal:</p> <ol style="list-style-type: none"> 1. Land use planning policies (agricultural, resort residential, and legal non-conforming use policies); 2. The provision of emergency services for seasonal use of the subject lands; and 3. Mitigating against year-round use of the subject lands (considering its size and characteristics). <p>All 3 items have been satisfied by the agent and Planning Staff.</p>
<p>We trust that the policy discussion and revisions to the application discussed above are adequate to formulate your opinion for a Staff Report to Council. We request to be scheduled for the next available Council-in-Committee date for our applications to be head by Council.</p>	<p>No comment</p>