
HALDIMAND COUNTY

Report PDD-24-2022 Official Plan and Zoning By-law Amendment for Concrete Plant – Stubbe’s Redi-Mix Inc.

For Consideration by Council in Committee on May 31, 2022



OBJECTIVE:

To consider redesignating and rezoning the subject lands to permit a concrete plant at 28 3rd Line, Geographic Township of Oneida.

RECOMMENDATIONS:

1. THAT Report PDD-24-2022 Official Plan and Zoning By-law Amendment for Concrete Plant – Stubbe’s Redi-Mix Inc. be received;
2. AND THAT application PLOP-HA-2021-151 to amend the Haldimand County Official Plan by adding a special policy to a portion of the ‘Agricultural’ designation of the subject lands to permit a concrete plant be approved for reasons outlined in Report PDD-24-2022;
3. AND THAT application PLZ-HA-2021-152 to amend the Haldimand County Zoning By-law HC 1-2020 by rezoning a portion of the subject lands from ‘General Industrial (MG)’ Zone and ‘Rural Industrial (MR)’ Zone with a special provision that permits a truck terminal and contractor’s yard to ‘General Industrial – Holding (MG – H)’ Zone with a special provision to permit a concrete plant be approved for the reasons outlined in Report PDD-24-2022;
4. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020);
5. AND THAT the General Manager of Community & Development Services be authorized to remove the Holding (H) provision when all conditions have been satisfied;
6. AND THAT the by-laws attached to Report PDD-24-2022 be presented for enactment.

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

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

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

EXECUTIVE SUMMARY:

Planning staff have reviewed an Official Plan and Zoning By-law Amendment application to permit a redi-mix concrete manufacturing plant on the west portion of 28 3rd Line and facilitate a severance of these lands from the existing Contrans Flatbed Group business located on the subject lands. The concrete plant is proposed to be a year-round operation, approximately 1,858 square metres (20,000 square feet) in size, receiving a daily maximum of 20 aggregate/powder loads per day, with 8 employees to start and growing to 20 employees within 5 years. The development is proposed to be privately serviced by an on-site septic system and well. The subject proposal is consistent and conforms

to planning policy frameworks, is considered good land use planning and appropriate in the context of the property and surrounding lands, and is in the public interest. Planning staff recommend approval of the subject applications subject to a Holding (H) provision as described in the subject report. If Council approves the subject applications, the proponent will proceed through the site plan application process, severance process (via the Committee of Adjustment), and removal of Holding (H) provision process prior to site alteration and development.

BACKGROUND:

Location and Description

The subject lands have 324 metres (1,063 feet) of frontage on the south side of 3rd Line and are 6.21 hectares (15.35 acres) in size (Attachment 1). The property has a municipal address of 28 3rd Line and is located in an industrially zoned area of the County, north of Hagersville and south of Caledonia. The subject lands, together with 80 3rd Line to the east, contain Contrans Flatbed Group (truck terminal) (Part 3 and the property to the east in Attachment 1). The west portion of the subject lands (Parts 1 and 2 on Attachment 1), having a frontage of 105 metres (344 feet) and area of 2.09 hectares (5.16 hectares), is vacant, and is the area affected by the subject applications. These lands are surplus to the needs of Contrans Flatbed Group. Surrounding land uses include CGC Inc. (gypsum mining and manufacturer) to the north; Contrans Flatbed Group, the former Oneida Park (which was purchased by a developer and *Planning Act* applications were submitted last month for a concrete plant and commercial uses), and rural residences to the east; vacant industrial land and an equestrian facility (Flatt Ranch Boarding Facility) to the south; and vacant industrial lands and a rural residence to the west. Six Nations Reserve is also located further west.

Subject Application/Development Proposal

Stubbe's Redi-Mix Inc. is proposing to construct a 1,858 square metre (20,000 square foot) redi-mix concrete manufacturing plant (Attachment 2) on the west portion of the subject lands (Parts 1 and 2 on Attachment 1) and to sever these lands from the Contrans Flatbed Group property (Part 3 on Attachment 1). The proposed development would be privately serviced by a well and septic system. Plant operations would include 10-12 redi-mix trucks delivering 3 to 4 loads per day, receiving a daily maximum of 20 aggregate/powder loads per day. It is anticipated that the plant would initially be operated by 8 employees and is expected to grow to approximately 20 employees within 5 years. The proposed development on the subject lands would be a relocation of an existing operation located approximately 700 metres (2,297 feet) west of the subject lands (at 3680 Third Line on Six Nations Reserve) with the construction of a new facility that will support redi-mix operations year-round.

The proponent undertook the pre-consultation meeting process on April 21, 2021 to present the development project and obtain feed, submission requirements, fees, and the process from the County and partner agencies. On July 29, 2021, the proponent submitted:

1. An Official Plan Amendment application to amend the Haldimand County Official Plan by adding a special policy to the west portion of the subject lands (Parts 1 and 2 on Attachment 1) to permit a concrete plant in the 'Agricultural' designation and allow severance of this area.
2. Zoning By-law Amendment application to amend the Haldimand County Zoning By-law HC 1-2020 by rezoning the west portion of the subject lands (Parts 1 and 2 on Attachment 1) from 'General Industrial (MG)' Zone and 'Rural Industrial (MR)' Zone with a special provision that permits a truck terminal and contractor's yard to 'General Industrial – Holding (MG – H)' Zone with a special provision to permit a concrete plant.
3. Consent application to sever Parts 1 and 2 on Attachment 2 from Part 3 of the subject lands. Parts 1 and 2 are proposed to have 105 metres (344 feet) of frontage and area of 2.09 hectares

(5.16 acres). Part 3 (the retained lands) are proposed to have 210 metres (689 feet) of frontage and area of 4.21 hectares (10.19 acres) in size.

On March 3, 2022, the proponent submitted a subsequent submission (the current applications), to address County staff and agency questions/comments, with a Nitrate Impact Assessment and Water Supply Potential Assessment on May 2, 2022. The proponent also submitted a site plan application to address site layout, access/egress, fire route, parking, grading and stormwater management, private servicing, landscaping, etc. on November 18, 2021.

To support the subject applications, the proponent submitted a number of reports and plans to justify the proposed development, including planning justification studies and technical studies and plans to demonstrate suitability of the development. A list of application materials is included as Attachment 3.

Council is being asked to make a principle of land use decision to permit a concrete plant on the subject lands. If Council approves the subject applications, the Consent to Sever application will be scheduled for a Committee of Adjustment meeting for the Committee to consider. The applicant would continue with the site plan application process for site layout, zoning conformance, engineering related matters such as site access, grading and drainage, site lighting, and securities, and private servicing. The applicant would also start working through the conditions of the Holding (H) provision (to be discussed within this report).

ANALYSIS:

The following planning considerations apply to this proposal:

Provincial Policy

Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS), 2020 provides overall direction on matters of provincial interest related to land use planning and development in Ontario. The PPS sets the policy foundations for regulating the development and use of land. The *Planning Act* requires all decisions affecting planning matters to be consistent with the PPS policies.

Rural Lands

The subject lands are currently designated 'Agricultural'. However, the subject lands exist within an industrially zoned area and are proposed to be redesignated to 'Rural Industrial' through Phase 2 of the County's Municipal Comprehensive Review (MCR) project (to be discussed at the end of the Haldimand County Official Plan section below). Therefore, it is appropriate to review the rural lands policies.

The PPS states that a planning authority shall apply the relevant policies of Building Strong Healthy Communities, as well as the Wise Use and Management of Resources policies and Protecting Public Health and Safety policies when directing development on rural lands. In terms of Building Strong Healthy Communities, the PPS states that healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the province over the long-term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types, **employment** (including industrial and commercial), institutional, recreation, park and open space, and other uses to meet long-term needs; and
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.

These items, as well as the Wise Use and Management of Resources policies and Protecting Public Health and Safety policies will be discussed further within this section.

Further, the PPS promotes development that is compatible with the rural landscape and that can be sustained by rural service levels. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. Opportunities should be retained to locate new or expanding land uses that require separation from other uses. Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

The proposed development would be serviced by a private well and septic system (to be discussed further within this section). The subject lands are located within a rural industrial cluster/park, and the subject lands and all lands adjacent to the subject lands are zoned for industrial use (Attachment 4). The subject lands have good separation from sensitive receptors, as they are located interior to this rural industrial cluster/park. The subject development will generate jobs. No agricultural or resource-related lands will be used by the subject development.

Land Use Compatibility

The PPS states that major facilities (meaning facilities which may require separation from sensitive land uses) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

An existing dwelling is located approximately 220 metres (722 feet) northwest of the subject lands (2^{3rd} Line) and is located much closer to CGC than the proposed development. The next closest dwellings are located approximately 400 metres (1,312 feet) north of the subject lands closer to CGC than the proposed development and 500 metres (1,640 feet) south of the subject lands.

To support the subject applications, the proponent submitted an Application for Environmental Compliance Approval (ECA Air & Noise) prepared by Exp Service Inc. (dated June, 2021). The ECA was also submitted to the Ministry of Environment, Conservation and Parks (MECP) for review and approval. The noise sources associated with the proposed development include trucks delivering aggregate material and dry cement to the subject lands, a loader for transporting aggregate material to a conveyor system on the subject lands, and trucks to transport mixed concrete from the subject lands, which are expected to run during the daytime and to a lesser extent during the nighttime. According to the ECA package, the noise sources associated with the proposed development meet the MECP sound level limits at the nearby noise-sensitive receptors. On-site noise measures were taken at the existing Stubbe's redi-mix concrete plant and the equipment at the existing site is similar to the planned equipment on the subject lands. The calculated sound levels meet the sound levels at all points of reception for all time periods with no noise mitigation. According to the ECA package, while dust will be created, the proposed development is also in compliance with dust emission requirements (including at sensitive receptors).

Further, to support the subject applications, the proponent submitted a Planning Justification Report (PJR) prepared by GSP Group (revised February, 2022). The PJR classifies the proposed development as a Class II Industrial Facility in the D-6 Compatibility between Industrial Facilities Guidelines based on the definition of Class II Industrial Facilities and plant scale and operations. The Ministry of Environment, Conservation and Parks (MECP) recommends a minimum separation distance of 70 metres (230 feet) and a potential influence area of 300 metres (984 feet) for Class II Industrial Facilities. The proposed development is setback 220 metres (722 feet) from one dwelling and at 400-500 metres (1,312 - 1,640 feet) for all other dwellings in the area, the proposed development is located in an

industrially zoned area, and Exp Service Inc. (dated June, 2021) has demonstrated the proposed development can be accommodated with no noise or air quality impacts at the sensitive receptors. The existing operation to the west within Six Nations is located closer to existing dwellings, and the relocation will improve separation setbacks.

Prior to operation, the proponent will be required to obtain an ECA from the MECP.

Employment

The PPS states that planning authorities shall promote economic development and competitiveness, in part, by: providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment.

The PPS defines employment areas as areas designated in official plans for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. The Haldimand County Official Plan (OP) recognizes lands containing legally existing non-agriculturally related industrial uses (such as the subject lands) as being permitted in the 'Agricultural' designation. The relocation of the existing redi-mix operations from approximately 700 metres to the west into a new facility on the subject lands will allow for improved operations on a year-round basis whereas the current facility is weather dependent and cannot operate in the winter months. The subject lands are located in an existing and undefined rural industrial cluster/park that supports other industrial uses (CGC and Contrans Flatbed Group). The subject lands area zoned for industrial (employment) uses and are suitably situated in close proximity to the existing operation to allow for the continued growth of this redi-mix operation servicing clients from this area. The subject lands are located close to Highway 6, which is advantageous to the proposed business. The proposed development will employ 8 people once built and 20 people in 5 years. The proposed development will run year-round, thereby employing people year round.

Sewage and Water

The PPS states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Negative impacts are defined as potential risk to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrological or water quality impact assessments, in accordance with provincial standards.

Municipal sanitary sewer and watermain infrastructure is not available or planned to service this area. The proponent is proposing a private, on-site septic system to store, treat, and release domestic sewage from the main building. As part of the site plan application package, the proponent submitted a Proposed Septic System Report prepared by CMT Engineering Inc. (dated September 08, 2021) to provide details, design and specifications for the proposed sewage system. This Report is informed by a Geotechnical Engineering Report prepared by Englobe (dated February, 2021). The septic system is proposed to service approximately ten (10) employees per 8-hour shift. No showers will be provided in the plant. The septic system is to service sanitary sewage only (no processing or grey water). The daily average flow is expected to be 750 litres. Haldimand County Building staff are permitted to review and

issue permits for this septic system as the daily flow is under 10,000 litres per day (which triggers a permit from the Ministry of Environment, Conservation and Parks (MECP)). The Senior Building Inspector reviewed the Proposed Septic System Report as part of the site plan application review, and provided no comments or concerns.

The proponent is proposing a private, onsite well to supply water. Based on water usage from the existing redi-mix operation, the proponent is proposing a daily average flow of 7,000 to 12,500 litres. The proposed development would utilize a storage cistern that could be filled overnight as necessary, and replenish during the day as needed. The proposed development is expected to take less than 50,000 litres per day such that a Permit to Take Water (PTTW) is not expected to be required through the MECP.

The Province (including the MECP) reviewed and provided comments on the subject applications. The MECP recommended that the proponent provide a scoped hydrogeological assessment to demonstrate that the proposed development on private servicing will have no negative impacts to the satisfaction of the County.

The proponent submitted a Nitrate Impact Assessment and Water Supply Potential Assessment prepared by Hydrogeology Consulting Services (HCS) dated May 01, 2022. The Assessment is informed by a Geotechnical Engineering Report prepared by Englobe (dated February, 2021), Proposed Septic System Report prepared by CMT Engineering Inc. (dated September 08, 2021), and Functional Stormwater Management and Servicing Report prepared by Development Engineering (London) Limited (dated October, 2021).

The Senior Hydrogeologist assessed the potential impact of a subsurface sewage disposal system based on nitrate loading of the shallow groundwater aquifer. The predicted Nitrate-N concentration at the downgradient property boundary is well below the Ontario Drinking water Quality Standard (ODWQS) for nitrate-N.

The Senior Hydrogeologist also reviewed Well Records from the MECP Water Well Record (WWR) Database to determine the number of supply wells present. Five (5) active wells were identified. Three (3) wells were identified as domestic/livestock supply wells and two (2) wells were identified as industrial wells. The Senior Hydrogeologist states that within the scope of the desktop study, the information available indicates that a sufficient supply of groundwater should be available to provide for the needs of the proposed redi-mix plant from the bedrock aquifer(s) without significant impact to nearby water supply wells. Given that all water supply wells in the area show water supply capacity exceeding the requirements for the proposed development, there is no need for infield verification as long as the proponent follows the recommendation to install a bedrock well. The Senior Hydrogeologist also finds that the subject lands are not located within a municipal wellhead protection area (WHPA) or surface water intake protection zone (IPZ). The subject lands are also not located within a groundwater vulnerability area, not located within a surface water vulnerability area, not located within a highly vulnerable aquifer (HVA), and not located within a significant groundwater recharge area (SGRCA). There are no sensitive features located on the subject lands.

Therefore, private servicing is appropriate for the proposed plant. Any additions to the plant would trigger site plan control and additional hydro-geotechnical review and private servicing plans, as per Haldimand County Official Plan policy. Point being, the plant cannot grow without County review; there are no concerns that approving the subject applications today will lead to the plant growing uncontrolled and beyond private servicing capacity in the future.

Agriculture

The subject lands are designated 'Agricultural'. The PPS states that prime agriculture areas shall be protected for long-term use for agriculture. In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture related uses and on-farm diversified uses. Lot creation is restricted to

agricultural uses, agriculture-related uses, a residence surplus to a farming operation, and infrastructure.

Further, the PPS states that planning authorities may only permit non-agricultural uses in prime agricultural areas for:

- a) extraction of minerals, petroleum resources and mineral aggregate resources; or
- b) limited non-residential uses, provided that the following are demonstrated:
 - 1. the land does not comprise a specialty crop area;
 - 2. the proposed use complies with the minimum distance separation formulae;
 - 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and
 - 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid prime agricultural areas; and
 - ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

To support the subject applications, the proponent submitted a Planning Justification Report (PJR) prepared by GSP Group (revised February, 2022). The PJR states: The proposed development does not seek to expand an existing employment area into an area of prime agricultural land. The subject lands are zoned for industrial purposes and are surrounded by industrial uses (Attachment 4). The proposed lot to be created is currently vacant land zoned for industrial use. The land is surplus to the needs of Contrans Transport and on its own would not constitute a viable farm parcel. The subject lands have been disturbed by past activities and are not in agricultural production at this time. Further, the subject lands are not a specialty crop area. Alternative locations would have a greater impact on the existing agricultural area as they may not be zoned for industrial use and in fact could lead to a loss of agricultural land.

The proposed development of a redi-mix plant on the subject lands conforms to these policies. The subject lands have historically been and continue to be within an existing rural industrial cluster of land uses. The land is zoned for industrial purposes and is not in agricultural production. The proposed lot creation is not seeking approval to expand the existing area of employment; it is seeking permission to better utilize land already zoned for industrial uses. The requested site-specific Official Plan Amendment will align the industrial use of the land with the appropriate policy framework to reflect the historical and future uses of the subject lands.

Planning staff agree with this analysis. Planning staff add that approximately 60 hectares (150 acres) are zoned in this area for these uses (Attachment 4). The Haldimand County Official Plan (OP) recognizes existing highway commercial, industrial, and institutional uses prior to adoption of the OP (2009) as being permitted in the 'Agricultural' designation.

Cultural Heritage and Archaeology

The PPS states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

The proponent submitted the Province's Criteria for Evaluating Archaeological Potential checklist demonstrating that the subject development does not trigger an archaeological assessment. Six Nations and Mississaugas of the Credit First Nation were circulated as part of the application process, but did not provide any comments regarding the development.

Human-Made Hazards

The subject lands are identified as a gypsum deposit area in the Haldimand County Official Plan (OP). Hagersville Mine, AMIS #08686 (CGC) is within approximately 200 metres (656 feet) of the subject lands and has a wide range of mine features and underground workings.

The PPS states that development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

The Haldimand County Official Plan (OP) notes that significant gypsum resources exist within the County and provides direction on gypsum deposit areas. Gypsum mining is an important economic component of the natural resource extraction potential in the County and the valuable deposits of this non-renewable resource located in the County should be protected from incompatible development for future local and provincial needs.

Areas of known gypsum deposits and/or areas that have been affected by underground mining activity related to gypsum extraction are shown as Gypsum Deposits on Schedule “A” of the OP. The Gypsum Deposits are identified as an overlay designation intended to ensure that new development within this area is protected from potential ground subsidence. The location and extent of gypsum deposits and underground mine areas have been identified using mapping provided by producers of gypsum and gypsum products that operate within the County and the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF).

Those areas where known deposits of gypsum exist and areas that have been mined are not separately distinguished on Schedule “A”. However, information regarding the extent of underground mining within the municipality is maintained by the County and updated from time to time in co-operation and consultation with the NDMNRF. Therefore, where new non-extractive development is proposed within an area identified as being affected by gypsum deposits, consultation with the County and the NDMNRF shall be undertaken to determine whether the lands are undermined.

In areas identified as being affected by gypsum deposits on the map schedules, surface uses shall include all uses permitted in the underlying designation provided that all buildings and structures are sited or engineered in locations which are protected from potential ground subsidence; and ventilation shafts, tunnel entrances, change rooms, field offices and other accessory surface uses associated with an underground mining operation.

There are locations in the County where previous historical extractive activity has taken place. The location of these areas or individual mine shafts are identified on the map schedules. Development on, abutting or adjacent to these lands affected by this previous mining activity may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed in consultation with the NDMNRF.

A geotechnical study is required to confirm that the crown pillar in this area is stable in the long-term for the new land use. Planning staff have consulted with the NDMNRF; they have no objection to the County moving forward with approving the subject applications to set the principle of land use in place provided a Holding (H) provision is affixed to the zoning of the subject lands requiring the applicant to demonstrate long-term stability of the underground mine workings that underlie the subject lands, to the satisfaction of the Province and County, with the understanding that site plan approval and building permits cannot be issued without an approved geotechnical study. The geotechnical study must take into account the potential impacts of the proposed new land use. The NDMNRF will review these items to ensure that they address the concerns they have identified; however, the County is the approval authority. The proponent has hired a consultant to prepare the geotechnical report.

Conclusion

It is Planning staff's opinion that the subject applications are consistent with the PPS provided a Holding (H) provision is affixed to the zoning of the subject lands to require a geotechnical report for undermining.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

A Place to Grow establishes a unique land use planning framework for the Greater Golden Horseshoe to 2051 that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity in the face of the magnitude and pace of forecasted growth and changes expected in the Region. A Place to Grow speaks to issues relating to economic prosperity, which include transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection. The *Place to Grow Act* requires all planning decisions to conform with A Place to Grow.

A Place to Grow generally directs growth to existing settlement areas. Development is permitted outside of settlement areas on rural lands for rural uses that are not appropriate in settlement areas provided they are compatible with the rural landscape and surrounding local uses; will be sustained by rural service levels; and will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations. Further, existing employment areas outside of settlement areas on rural lands that were designated for employment uses in an official plan that was approved and in effect as of June 16, 2006 may continue to be permitted. Expansions to these existing employment areas may be permitted only if necessary to support the immediate needs of existing businesses and if compatible with surrounding uses.

The subject lands are located in an existing, undefined rural industrial cluster/park. A concrete plant is not permitted within Urban Business Parks in settlement areas. The relocation of the redi-mix operation to an urban area could create nuisance to surrounding land uses from truck traffic and the operation of machinery. The proposed development is located on 3rd Line, which is already utilized for truck traffic from CGC and Contrans Flatbed Group, and connects to Highway 6. The subject lands are also well buffered from sensitive receptors (houses). The proposed development will "fit in" with the industrial streetscape of the area. A landscaping plan will be required as part of the site plan application package to hide the aggregate bins and positively contribute to the streetscape. Based on the daily sewage and water flows provided, the proposed development is expected to be sustained by rural service levels. The subject lands are located interior to the rural industrial cluster/park (Attachment 4) and are not expected to adversely affect agricultural uses.

Further, A Place to Grow states the economic development and competitiveness in the Greater Golden Horseshoe will be promoted, in part by: making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities (where appropriate); ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of the Plan; and integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment. The proposed development will create efficiencies in redi-mix production year-round and in the long-term, will allow the operation to grow and employ more people.

The rest of A Place to Grow policies generally echo the policies of the PPS for individual *Planning Act* applications.

Conclusion

It is Planning staff's opinion that the subject applications are consistent with A Place to Grow provided that a Holding (H) provision is affixed to the zoning of the subject lands to require a geotechnical report for undermining.

County Policy

Haldimand County Official Plan

The Haldimand County Official Plan (OP) creates the framework for guiding land use changes in the County over the long-term. The OP provides the avenue through which Provincial Policy is implemented into the local context, protects and manages the natural environment, directs and influences growth patterns, and facilitates the vision of the County as expressed through its residents. A Zoning By-law Amendment application and Site Plan application cannot be approved and building permits issued if the correct designation is not in effect or the development does not conform to all of the Official Plan policies.

The subject lands are designated 'Agricultural' in the Haldimand County Official Plan (OP) and are also identified as being a Gypsum Deposits Area. Agriculture is defined as all forms of farming, including the growing of crops, market and nursery gardening, woodlot management, the raising of livestock and the raising of poultry, fish and other animals for food, fur or fibre, aquaculture, apiaries, aviaries and maple syrup production. The subject lands are not identified as a Natural Environment Area or a Natural Gas Resource Area. The subject lands are not regulated by a conservation authority.

The OP permits lands containing legally existing non-agriculturally related industrial uses as of the date of adoption of the OP (2009) in the 'Agricultural' designation. The existing industrial use (Contrans Flatbed Group) is permitted on the subject lands. However, a concrete plant is not permitted and a severance for non-agricultural industrial use is similarly not permitted in the 'Agricultural' designation.

As such, the proponent is proposing an Official Plan Amendment application to amend the Haldimand County Official Plan by adding a special policy to the west portion of the subject lands (Parts 1 and 2 on Attachment 1) to permit a concrete plant in the 'Agricultural' designation and allow severance of this area.

Strategic Direction

The OP provides Strategic Direction which is broken down into six (6) themes. One of the themes is Economy. The Economy theme states that maintaining, stimulating and expanding appropriate sectors of the County's economy are of primary importance to ensure a strong corporate community. Agriculture has played a key role in the development of Haldimand County and continues in its role as a sector of primary importance. Stimulation of other commercial and industrial interests (by nurturing existing businesses and attracting new ones) and area for growth, through appropriate allocation of resources will allow Haldimand County to use its strategic location and many resources to attain its vision of having a strong and diverse economy for its residents and corporate citizens. The subject proposal satisfies the general intent of the Economy theme.

Agriculture

The agricultural policies of the OP echo the Provincial policies. No further analysis is required.

Industrial

The OP states that industrial development is recognized as an important means of providing employment opportunities and diversifying the assessment base within the County. The County intends to provide an adequate amount of industrial land, at appropriate locations, to meet the projected needs of the municipality over the time frame of this Plan. The County currently has established (4) four separate classifications for the development of industrial employment areas, including: major industrial; industrial; urban business parks; and rural industrial. The subject are represents a rural industrial area. The OP permits limited development within the rural industrial areas in accordance with the policies relevant to those areas within the Official Plan.

The proposed development is not expected to trigger MECP permits for sewage and water taking. Water is reused where possible (i.e. trucks are washed into an internal reclaimer). No processing or grey water will enter the sewage system. The sewage system will accommodate bathrooms for 10 employees per shift, with no showers provided. An assessment has been prepared by a Senior Hydrogeologist and he does not anticipate any negative impacts from the private servicing.

The OP also states that adequate off-street parking facilities, sufficient to accommodate employees and visitors, and off-street loading facilities shall be provided for industrial development. Industrial uses that are considered to be unduly obnoxious with respect to the nature of operations or the materials used therein, will only be permitted in the Major Industrial or Industrial designation provided the Industrial Influence Area does not need to be expanded. Industrial uses that generate high volumes of vehicular traffic, such as truck depots and freight transfer stations, shall generally be located in proximity to arterial roads.

The proposed development will accommodate appropriate off-street parking facilities. An ECA has been submitted to the MECP, and confirms the development can be accommodated. The facility is not expected to generate any unduly obnoxious emissions or create land use compatibility issues. The proposed development is located close to Highway 6, a high volume/high capacity Provincial highway that can accommodate the amount the truck traffic that would be generated by this facility.

Transportation

The OP notes that traffic studies may be required as part of any proposal for development where there may be an impact on the road network, and only those development proposals that can reasonably be accommodated within the existing roads system will be permitted. Where improvements to the road network are necessary to accommodate development, the County will require that developments improve the system at their own expense or make financial contributions to the improvements. For a development proposal within the Ministry of Transportation permit area for provincial highways, a traffic impact study may be required for review and approval by the Ministry.

To support the subject applications, the proponent submitted a Traffic Impact Study (TIS) prepared by Paradigm Transportation Solutions Limited (dated April, 2021). The TIS finds that the proposed development is forecast to generate 30 trips in both the AM and PM peak hours. The TIS finds that all study intersections are forecast to operate with acceptable levels of service at 2031, except for the eastbound shared movement at Highway 6 and 3rd Line which is expected to have delayed service with or without the proposed development. However, there is available capacity for the shared lane and therefore, drivers will be able to make their desired movements. Signals are not justified for this intersection. Northbound and southbound left-turn lanes are already present at Highway 6 and 3rd Line. No additional left-turn lanes are forecast to be warranted. Lastly, 3rd line is constructed to accommodate heavy truck traffic from CGC and Contrans, and the additional volume generated from the subject proposal is not anticipated to have any impacts.

The Transportation Engineering Technologist has reviewed the TIS and is satisfied. The Ministry of Transportation (MTO) has no objection to this application or TIS. The subject lands are located beyond the MTO's limits of permit control and therefore MTO review, approval and permits are not required.

Stormwater Management

All new developments shall be subject to stormwater management practices adequate to control stormwater run-off in an efficient and environmentally sound manner and where required, stormwater management facilities shall be provided. Comprehensive stormwater management studies will be required for development proposals. In all instances, the need for stormwater management facilities shall be determined by the County, the appropriate conservation authority and any other agency having jurisdiction.

Stormwater management facilities that are required as part of any development proposal shall include provisions and methods to ensure that the quantity and quality of run-off will not exceed pre-development levels or appropriate levels as determined by the County, the conservation authority and/or any agency having jurisdiction.

As part of the site plan application package, the proponent submitted a Functional Stormwater Management and Servicing Report prepared by Development Engineering (London) Limited (dated October, 2021). The majority of the stormwater would be directed to an on-site dry pond. The Development Technologist has reviewed the Report and additional details and plans will be required as part of the second site plan application package. However, there are no significant concerns with respect to addressing stormwater management.

Lot Creation

Lot creation is not permitted for non-agricultural industrial uses in the 'Agriculture' designation. If the subject applications are approved, lot creation would be allowed.

The OP states that generally, new lot creation by consent shall be guided by the following:

- a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;
- b) The creation of new lots for development shall only be granted in accordance with the relevant servicing policies contained in this Plan;
- c) The proposed severed and retained land fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and
- d) Not more than five lots are being created.

Further, the OP states that the creation of new lots for commercial, industrial and institutional purposes in an area not designated 'Agriculture' in this Plan may proceed by consent provided that development issues such as servicing, drainage, road patterns, screening, buffering, separations from sensitive land uses and other relevant land use matters have been addressed to the satisfaction of the County.

The proposal conforms to these policies. This is confirmed by the layout of the proposed development on the site plan (Attachment 2) along with supporting studies for traffic, servicing study, stormwater management, and noise and emission impacts, as well as a submitted plan and report for the retained Contrans Flatbed Group lands. The lot area is sufficient to operate the redi-mix operation and to provide suitable lot area for stormwater management and private services. The lot has frontage along 3rd Line in an area with clear sight lines and an established pattern of truck traffic that is in keeping with the proposed development. There is only one new lot proposed to be created, as such the Consent to Sever process through the Committee of Adjustment is the appropriate mechanism to establish a new lot. Further, the size of the lot to be created is limited in size, only severs existing industrially zoned lands, and does not seek more land than needed for the proposed redi-mix operations.

Conclusion

The OP states that in considering a site specific application to amend the OP, the County may require the applicant to provide a justification report having regard to the following:

- a) conformity with the overall intent and purpose of the objectives and policies of this Plan;
- b) the suitability of the lands affected by the amendment for the use proposed and compatibility with surrounding lands and uses;
- c) the impact on municipal services, infrastructure and finances; and

d) comments received from the public, County Departments and other agencies.

It is Planning staff's opinion, that the subject applications conform with the OP provided that a Holding (H) provision is affixed to the zoning of the subject lands to require a geotechnical report for undermining. The existing CGC and Contrans Flatbed Group operations establish this area as a rural industrial area for manufacturing and transportation services. The proposed relocation and severance of the redi-mix concrete plant to the subject lands is in keeping with the existing industrial nature of this area. The 'Urban Business Park designation' and industrial zones that apply in settlement areas do not support a concrete plant. The proponent's team has demonstrated the suitability of the lands for the subject development and compatibility with surrounding land uses, subject to a geotechnical investigation to confirm ground stability for the new proposed land use. No impact on municipal services, infrastructure or finances is expected. No objections were received from County Departments and other agencies. An Official Plan By-law has been included as Attachment 5.

Municipal Comprehensive Review (MCR)

Planning staff are finalizing Phase 2 of 2 of the County's Municipal Comprehensive Review (MCR) project to update the Haldimand County Official Plan. Phase 2 will be brought forward for Council's consideration at the August 23rd, 2022 Council in Committee meeting.

Phase 2 will propose to redesignate this area (including the subject lands) from 'Agriculture' to 'Rural Industrial' to recognize the existing industrial opportunities permitted via the Zoning By-law and permit further industrial growth subject to criteria (including hydrogeological assessments). If Phase 2 were in place today, an Official Plan Amendment would not be required to consider the proposed development. The Zoning By-law Amendment, Consent, and Site Plan applications would continue to be required.

The proponent applied for the subject applications (including the Official Plan Amendment application) ahead of Provincial approval of Phase 2 to accelerate consideration and approvals, recognizing that MCRs are often long and complex. It is appropriate and permitted to consider the subject applications ahead of Phase 2 completion (i.e. approval of the subject development is not contingent upon approval of Phase 2). At the same time, it is important to recognize that this area is already zoned for industrial use and is proposed to be designated to recognize such through Phase 2. It is also important to understand that Provincial policy does not permit Council to redesignate the west portion of the subject lands (Parts 1 and 2 on Attachment 2) from 'Agriculture' to 'Rural Industrial' through the subject Official Plan Amendment Application; however, Council is permitted to add a special policy to the 'Agricultural' designation to permit additional uses provided the proposal is consistent and conforms with Provincial policy. That is what the subject applications and report are intending to accomplish.

Haldimand County Zoning By-law HC 1-2020

The purpose of the Haldimand County Zoning By-law HC 1-2020 is to control the use of land within the County by stating exactly how land may be used, where buildings and other structures can be located, the types of buildings that are permitted and how they can be used, and the lot sizes and dimensions, parking space requirements, building heights, and setback from the street. The Zoning By-law implements the Official Plan and is legally enforceable. A site plan cannot be approved and building permits issued if the correct zoning is not in effect or the development does not conform to all zoning provisions.

The subject lands are currently zoned 'General Industrial' (MG) Zone (Part 1 in Attachment 1) and 'Rural Industrial' (MR) Zone (Part 2 and 3 in Attachment 1) with a special provision that permits a truck terminal and contractors yard. The proposed redi-mix facility is not permitted in either of these zones; it is presently only permitted in the 'Heavy Industrial (MH)' Zone, which applies in the Nanticoke area.

The proponent is proposing a Zoning By-law Amendment application to rezone the west portion on the subject lands (Parts 1 and 2 on Attachment 1) to a site specific 'General Industrial (MG)' Zone to permit a concrete plant on the subject lands. For the reasons discussed in the sections above, it is Planning

staff's opinion that the subject applications are generally appropriate. Planning staff recommend that the subject lands be rezoned to 'MG' Zone with a special provision to permit a concrete plant rather than to the 'Heavy Industrial (MH)' Zone as this is the predominate zoning in the area and to continue to ensure that other more intensive/obnoxious uses (e.g. abattoir, heavy manufacturing, salvage yard, waste processing facility, waste recycling centre, and waste transfer site) are not permitted on the subject lands. A Zoning By-law has been included as Attachment 6. A Holding (H) provision by-law has also been prepared as Attachment 7.

The site plan conforms with the Zoning By-law HC 1-2020, subject to some minor amendments that can be accommodated.

Conclusion and Next Steps

To support the subject applications, the proponent's team submitted a Planning Justification Report (PJR) prepared by a Registered Professional Planner (RPP). It is the RPP's opinion that the subject applications are consistent with Provincial and County policy frameworks.

Overall, it is Planning staff's opinion that the subject applications are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and are appropriate and compatible development for the subject lands provided that a Holding (H) provision is affixed to the zoning of the subject lands to require a geotechnical report for undermining. Planning staff recommend approval of the subject applications.

If Council approves the subject applications, next steps would include:

1. Re-submission of the Site Plan application to the satisfaction of the General Manager of Community & Development Services. The site plan application process will include preparation and registration of a site plan agreement, and submission of securities for works in the County's right of way and onsite landscaping.
2. Fulfillment of the condition of the Holding (H) provision for a geotechnical report confirming ground stability of the proposed land use, and approval from the NDMNRF and County.
3. Construction.

FINANCIAL/LEGAL IMPLICATIONS:

If Council approves the subject applications, the proponent will proceed through the site plan control process. As part of the site plan control process, the proponent will be required to sign and register a site plan agreement on the title of the subject lands. The proponent will also be required to clear the condition of the Holding (H) provision prior to site alteration and development. Finally, this approval would be subject to Development Charges and Cash-in-Lieu of Parkland fees in effect at the time of building permit issuance.

STAKEHOLDER IMPACTS:

Public Consultation Strategy:

The proponent and his team has had discussions with Contrans Flatbed Group (the current landowner who authorized the subject applications) and CGC. These companies are major landowners in the area. The proponent's team also reached out via email and mail to the other three (3) industrial/commercial property owner's within 120 metres (400 feet) of the subject lands, requesting comments by May 20, 2022. If any comments are received they can be addressed at the public meeting.

A Notice of Complete Application was mailed to property owners within 120 metres (400 feet) of the subject lands on October 4, 2021. A Notice of Public Meeting was mailed out on May 12, 2022. A public notice sign was also posted on April 28, 2022.

Staff/Agency Comments:

Bell Canada – No comments received.

Canada Post Corporation – Please be advised that Canada Post does not have any comments on this application for the construction of a cement plant. Please be advised that we do not service this side of 3rd Line so this customer will be placed in an existing Community Mailbox along with the other businesses/residents in the area. Please have the business register at the Hagersville Post Office and they will be set up in a compartment.

Province – Included as Attachment 8. All Provincial comments have been addressed via discussion in the subject report.

Ministry of Transportation (MTO) – As identified for the pre-consultation on April 21, 2021, the Ministry of Transportation (MTO) has no objection to these application. The subject property (28 Third Line, Hagersville ON, Stubbe’s “redi-mix” concrete facility) is located beyond our limits of permit control and therefore MTO review, approval and permits will not be required.

Trans-Northern Pipeline – We can confirm that TNPI has NO infrastructure in the mentioned area.

CN Railway – No comments submitted for the subject applications. CN did respond to the related site plan application with the following: CN Rail does not have any comments concerning this application.

CP Railway – No comments received.

Mississaugas of the Credit First Nation – No comments received for the subject applications. MCFN did request project information, however did not respond to staff.

Six Nations Council – No comments received.

Enbridge – Enbridge Gas Inc. does have service lines running within the area which may or may not be affected by the proposed Site Plan. Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any service relocation required would be at the cost of the property owner. If there is any work (i.e. underground infrastructure rebuild or grade changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected. Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locations prior to any activity.

Hydro One (High Voltage/Corridor) – We have reviewed the documents concerning the noted Plan and have no concerns at this time. **Our preliminary review considers issues affecting Hydro One’s ‘High Voltage Facilities and Corridors’ only.** For proposals affecting ‘Low Voltage Distribution Facilities’ please consult with your local area Distribution Supplier.

Hydro One (Local) – No objections.

Emergency Services/Fire Department – No objections.

Transportation Engineering Technologist – I am satisfied that traffic volumes from the project can be accommodated and that no additional improvements are needed (i.e. turning lanes, traffic lights) provided MTO is satisfied.

Development Technologist – No objections provided site plan comments are addressed (additional dry pond information and mutual drainage agreement required) and hydrologic study is provided.

Forestry Operations – Forestry doesn't have any concerns with the proposed Stubbe's redi-mix plant as there will be no impacts on County owned trees or Woodlands regulated pursuant to the Forest Conservation By-law 2204/20.

Finance – Development Charges will apply at the rate of building permit issuance.

Building – The following needs to be addressed:

- Accessible parking stalls to meet Zoning By-law standards.
- Clarification on parking space count required.
- Approval required from the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) required. Engineering required to address undermining (if present).
- Confirmation required for location of fire route in relation to principle entrance. Additional details regarding water supply for firefighting required.

Economic Development & Tourism – Haldimand County's Economic and Tourism Division supports this development project and has no concerns with this proposal.

Municipal Property Assessment Corporation (MPAC) – No comments received.

Haldimand-Norfolk Health Unit – No comments received.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Site Plan.
3. Application Materials.
4. Area Zoning.
5. Draft Official Plan By-law.
6. Draft Zoning By-law.
7. Draft Holding Provision Removal By-law.
8. Provincial Comments.