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January 10, 2022

Sent via e-mail only

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**Re: One Window Provincial Review Comments
Official Plan and Zoning By-law Amendment Applications
PLOP-HA-2021-151 and PLZ-HA-2021-152
MMAH File # 27-EOPA-210016**

Thank you for circulating Official Plan and Zoning By-law Amendment applications PLOP-HA-2021-151 and PLZ-HA-2021-152 to the Ministry of Municipal Affairs and Housing. These applications were further circulated through the One Window Planning Service to the Ministries of Agriculture, Food, and Rural Affairs (OMAFRA), Environment, Conservation and Parks (MECP), Heritage, Sport, Tourism and Culture Industries (MHSTCI), and Northern Development, Mines, Natural Resources and Forestry (NDMNRF). It is recognized that the Official Plan Amendment (OPA) is exempt from the Minister's approval and the following One Window comments are provided to the County for its consideration in making decisions on these matters.

It is understood that the purpose of this OPA is to construct a redi-mix concrete manufacturing plant on a newly-created 6.25 hectare parcel of land located at 28 3rd Line, Haldimand County. The subject lands are located in the prime agricultural area and are designated 'Agriculture' in the Haldimand County Official Plan. The subject lands are also identified in the Haldimand County Official Plan as a 'Gypsum Deposit' area. The 'Gypsum Deposit' overlay identifies gypsum deposits and/or areas that have been affected by underground mining activity related to gypsum extraction.

Consideration has been given to this matter in terms of the criteria and policies of the Provincial Policy Statement, 2020 (PPS) and A Place to Growth: Growth Plan for the Greater Golden Horseshoe, 2019 (APTG). The following comments identify matters that

the County should consider in its review of the application including matters where additional information may be needed from the applicant to demonstrate consistency or conformity with provincial policy.

Proposed Removal of Lands from the Prime Agricultural Area

The application proposes to remove the subject lands from a prime agricultural area. PPS policy 2.3.5 states planning authorities may only exclude land from prime agricultural areas for purposes of expansions or identification of settlement areas, which requires meeting the criteria for settlement area expansions in APTG and the PPS. It is understood that Haldimand County is currently working on a multi-phased municipal comprehensive review to update its official plan. It is suggested that this application could be considered as part of the official plan update.

Alternatively, Haldimand County could consider a site-specific amendment that does not remove the subject lands from an agricultural designation, but provides permission to allow the proposed use. Section 2.3.6.1 b) of the PPS outlines that planning authorities may permit non-agricultural uses in prime agricultural areas for limited non-residential uses, provided that certain criteria are met as outlined in Section 2.3.6 of the PPS. In addition, Haldimand County should consider whether an agricultural impact assessment should be provided to demonstrate land use compatibility, in accordance with APTG Policy 4.2.6.3.

Land Use Compatibility

PPS Policy 1.2.6 provides policy direction around land use compatibility for planning industrial uses. The material submitted to support this OPA did not provide a detailed description of the surrounding land uses, identify sensitive land uses, or provide distances between the proposed development and the closest sensitive land uses. Land use changes and development must be compatible with existing and planned surrounding land uses. The County should consider MECP's D-6 guidelines which provide information on environmental considerations and requirements for industrial land use and sensitive lands.

Site Servicing

The servicing report outlines that the site is proposed to be serviced for water by a private onsite groundwater well and underground water storage reservoir, and that details will be provided during the detailed design stage of the proposal. PPS Policy 1.6.6.4 allows for development serviced by individual on-site sewage and water services, under some circumstances, provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Negative impacts, as defined by the PPS, include potential risks 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; and negative impacts should be assessed through environmental studies, including hydrogeological or water quality impact assessments, in accordance with provincial standards. The County should consider whether the proposed servicing is suitable for the long term with no negative impacts.

The servicing report also outlines that sanitary servicing will be provided for the site by an on-site wastewater treatment and septic system. PPS Policy 1.6.6.1 b) provides several criteria to consider when planning for sewage and water services. It is recommended that the proponent contact MECP regarding permits and approvals that may be required under the Environmental Protection Act and/or the Ontario Water Resources Act.

Possible Mine Hazard

PPS policy 3.2.1 indicates that development on or adjacent to lands affected by mine hazards or former mineral mining operations or mineral aggregate operations may only be permitted if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed. The proposed development is within the area of an Abandoned Mines Information System (AMIS) site. Hagersville Mine, AMIS #08686, is within approximately 200m of the proposed project area and has a wide range of mine features and underground workings. The Mine is class B, meaning there is potential for public health concerns, serious injury or death to occur along with concerns regarding rivers and creeks in the surrounding area. Given the underground workings in the surrounding area, it is suggested that the County consider whether the proposed amendment is consistent with PPS policy 3.2.1, including confirmation that the crown pillar in the area is stable in the long-term for the new land use.

We trust that these comments are helpful to the County in its consideration of the OPA and associated zoning by-law amendment. Provincial staff are available to discuss these comments. If you have any questions or concerns, please contact the undersigned. By copy of this letter, MMAH requests that the County provide the undersigned with the notice of decision for these matters.

Kind regards,

A handwritten signature in black ink that reads "David Stubbs". The signature is written in a cursive, flowing style.

David Stubbs
Planner
Ministry of Municipal Affairs and Housing
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Cc (e-mail only): Nancy Rutherford, OMAFRA
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