

***Provincial Policy Statement (PPS), 2020***

The PPS provides the following statements and directives, which the applications must be evaluated against to determine consistency:

- Healthy, liveable and safe communities are sustained by: avoiding development and land use patterns which may cause environmental or public health and safety concerns (policy 1.1.1 c)).
- Settlement areas shall be the focus of growth and development (policy 1.1.3.1).
- Major facilities 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 (policy 1.2.6.1).
- Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:
  - a) there is an identified need for the proposed use;
  - b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
  - c) adverse effects on the proposed sensitive land use are minimized and mitigated; and
  - d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated (policy 1.2.6.2).
- 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**.

At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual water services on the environmental health and the desired

character of rural settlement areas and the feasibility of other forms of servicing in policies 1.6.6.2 and 1.6.6.3 (policy 1.6.6.4).

**Negative impacts** means potential risks to human health and safety degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality assessments, in accordance with provincial standards.

- Planning authorities may only allow lot creation if there is confirmation of sufficient reserve sewage system capacity and reserve water capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services (policy 1.6.6.6).
- Planning authorities shall not permit development in planned [transportation] corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities (policy 1.6.8.2).

- Long-term economic prosperity should be supported by: sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network (policy 1.7.1 i)).
- Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions (policy 2.2.2).

- Prime agricultural areas shall be protected for long-term use for agriculture (policy 2.3.1).
- In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses (policy 2.3.3.1).

- Lot creation in prime agricultural areas is discouraged and may only be permitted for:
  - a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
  - b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
  - c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
    - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
    - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
  - d) infrastructure, where the facility or corridor cannot be accommodated through use of easements or rights of way (policy 2.3.4.1).
  
- 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 all of 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 (policy 2.3.6.1).
  
- Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible (policy 2.3.6.2.).
  
- 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 (policy 2.6.2).

- 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 (policy 3.2.1).

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

A Place to Grow provides the following statements and directives, which the applications must be evaluated against to determine conformity:

- Forecasted growth to the horizon of this Plan will be allocated based on the following:
  - a) the vast majority of growth will be directed to settlement areas that:
    - i. have a delineated built boundary;
    - ii. have existing or planned municipal water and wastewater systems; and
    - iii. can support the achievement of complete communities;
  - b) growth will be limited in settlement areas that:
    - i. are rural settlements;
    - ii. are not serviced by existing or planned municipal water and wastewater systems; or
    - iii. are in the Greenbelt Area.
  - c) within settlement areas, growth will be focused in:
    - i. delineated built-up areas;
    - ii. strategic growth areas;
    - iii. locations within existing or planned transit, with a priority on higher order transit where it exists or is planned; and
    - iv. areas with existing or planned public service facilities;
  - d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;
  - e) development will be generally directed away from hazardous lands; and
  - f) the establishment of new settlement areas is prohibited (policy 2.2.1.2).
- 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 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 (policy 2.2.9.5).
- Where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an agricultural impact assessment (policy 4.2.6.3).

## ***Haldimand County Official Plan***

The Haldimand County Official Plan (OP) echoes the policies of the PPS and A Place to Grow. The following are unique statements and directives in the OP (above and beyond the PPS and A Place to Grow policies), which the applications must be evaluated against to determine conformity:

- The following objectives and policies are directed at the protection of water quality and quantity:
  - f) The County will require the use of individual sewage disposal systems that reduce nitrates in the effluent in accordance with the Ontario Building Code;
  - g) The County will require hydrogeological studies to ensure that ground and surface water quality and quantity will not be negatively impacted prior to approval of development proposals;
  - j) Where appropriate the County, in consultation with agencies with a role in water resource protection, will protect both groundwater and surface water systems including wetlands, ponds, lakes, streams, rivers and underground aquifers from development that could adversely affect ground and water resources (policy 2.B.1)3.).
- A prime component of the County's economy is the extensive area of highly productive agricultural lands. This asset is fundamental to the economic base and rural lifestyle of the County. It is in the County's interest to preserve that lifestyle and to foster the agricultural industry. The land base must be protected and the use of the lands must be predominately agriculturally oriented to achieve these objectives. The agricultural industry forms the prime economic basis for the rural community and, to the benefit of the County, the range of agricultural activities are quite broad. Generally, new non-agricultural uses shall be located in urban areas, hamlets, industrially designated areas and resort residential nodes (policy 3.A.1)1.).
- Lands containing legally existing institutional uses as of the date of adoption of this Plan, such as places of worship and schools are recognized as being permitted in the Agricultural designation on the subject lands (policy 3.A.1)11).
- Significant gypsum resources exist within Haldimand County. Gypsum mining is an important economic component of the natural resource potential in the County. Valuable deposits of this non-renewable resource located in the County should be protected from incompatible development for future local and provincial needs. The County may also have other non-aggregate mineral resources (policy 3.A.3)1.).
- 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". The Gypsum Deposits are identified as an overlay designation intended to ensure that new development within this areas 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. An Official Plan Amendment will be required to identify new gypsum resources not identified on the map schedules (policy 3.A.3)2.).

- 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 Ministry of Northern Development and Mines. Therefore, new non-extractive development is proposed within an area identified as being affected by gypsum deposits, consultation with the County and the Ministry of Northern Development, Mines, Natural Resources and Forestry shall be undertaken to determine whether the lands are undermined (policy 3.A.3)3.).
- In areas identified as being affected by gypsum deposits on the map schedules, surface uses shall include:
  - a) 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
  - b) ventilation shafts, tunnel entrances, change rooms, field offices and other accessory surface uses associated with an underground mining operation (policy 3.A.3)4.).
- There are locations in the County where previous historical extraction 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 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 Ministry of Northern Development, Mines, Natural Resources and Forestry (policy 3.A.3)7.).
- Commercial development in Haldimand County is identified under four general policy areas. Each type of commercial use is important for ensuring that a wide range of commercial opportunities exist for County residents, seasonal and year round alike, as well as tourists staying in or traveling through Haldimand County. The four general types of commercial development area:
  - a) Community Commercial which consists of the business district and historic crossroad or core of each urban area;
  - b) Neighbourhood Commercial uses which are small-scale and form an integral part of residential neighbourhoods;

- c) Large Format Retail uses which are space extensive commercial developments; and
- d) Resort Commercial uses which provide for commercial facilities and services for tourists and seasonal residents.

Detailed policies relating to commercial development are found in the Growth Management Section of this Plan (policy 3.B.1)).

- **Planning Comment:** Section 4 of the Haldimand County Official Plan identifies where commercial and industrial development are to be located, and applicable policies.
- Haldimand County currently has a diversified industrial base. The industries range from small pockets of existing industrial uses in the agricultural and hamlet areas, to medium scale industries located in planned industrial parks adjacent to the urban areas, to the Lake Erie Industrial Park and the heavy industrial area associated with the County's three major industries consisting of a steel mill, a hydro generating station and an oil refinery. This Plan recognizes the importance of maintaining and enhancing a strong and viable industrial area in a planned form within the County. The general types of planned industrial areas within the County are:
  - a) "Major Industrial" consisting of a steel mill, hydro generating station and an oil refinery;
  - b) "Industrial" consisting of the Lake Erie Industrial Park;
  - c) "Urban Business Parks" included as part of urban areas; and
  - d) "Rural Industrial".

Detailed policies are found in the Growth Management section of this Plan (policy 3.B.2)).

- Within each urban community of the County there is a central business area which provides the largest and most diverse concentration of commercial functions in the County, as well as a variety of institutional, residential and community activities. It is the intent of the County to maintain a central business area in each urban community within the County. This central business area will be identified by a Community Commercial designation. Within each Community Commercial area, there is a historical commercial crossroads or core from which the Community Commercial area has extended. While the planned function of the Community Commercial area will generally incorporate retail shopping functions, offices, professional and personal services, entertainment and other commercial activities, in some commercial urban areas, the Community Commercial area will be a focus from institutional and community facilities as well. Open space linkages, heritage resources and pedestrian activity while important to the overall character of each Community Commercial area, are principally focused in the planned function of the historical crossroads or cores. Those Community Commercial Areas identified as

Intensification Areas and Intensification Corridors on Schedules B.1 to B.6 shall also function as primary intensification areas and shall accommodate a mix of residential and commercial uses primarily in the form of apartments, stacked townhouses and mixed use buildings (policy 4.B.C)1.).

- A full range of commercial activity shall be permitted in the Community Commercial designation, including: retail and service commercial facilities; business; personal and professional offices; recreation and entertainment facilities; communication and transportation services; hotels; restaurants; private clubs; government offices, community and cultural facilities and public and private institutions. Adult entertainment facilities are not permitted (policy 4.B.C)4.).
- The County has established four separate classifications for the development of industrial employment areas. The four types of industrial employment lands contemplated within the County are:
  - a) Major Industrial;
  - b) Industrial;
  - c) Urban Business Parks; and
  - d) Rural Industrial.

The first two designations are contained within a Strategic Employment Area. The third is contained within the urban areas and the fourth recognizes existing industries in the rural area (policy 4.C.1)2.).

- The Strategic Employment Area, consisting of the Nanticoke Industrial Area and the associated Industrial Influence Area, is an area in south Haldimand abutting Lake Erie. This area is intended to accommodate land extensive and intensive uses including industrial, warehousing and logistic operations which predominately require large land holdings, access to Lake Erie, or are of a nature that are not appropriate for small urban areas such as those found within Haldimand County. The Strategic Employment Area contains three existing large heavy industrial operations as well as other industrial uses and uses compatible with major industrial operations (policy 4.C.1)3.).

The Strategic Employment Area has regional and provincial significance as a result of the following:

- a) large amount of contiguous land appropriately designated for employment uses including large land extensive uses;
- b) unique planning framework that minimizes potential land use conflicts with sensitive land uses via the Industrial Influence Area policies of this Plan;
- c) proximity to large regional labour force and significant growth areas;
- d) land is accessible by Provincial Highway system, rail and water;
- e) land is directly linked to John C. Munroe International airport via Highway 6;
- f) land has significant electrical distribution network infrastructure;

- g) Haldimand County has developed a servicing strategy and a capital budget that will in part facilitate development of the lands by putting in a place critical sewer, water and other services. Furthermore, the lands include approved water intake capacity forming part of the 'Grand Valley Water scheme'.
- The Major Industrial lands in the Strategic Employment Area identify the location of three major industrial activities in one designated area. The three major industries include a steel mill, a hydro generating station and an oil refinery. The uniqueness of the Major Industrial lands can be attributed to the presence of a 3 kilometre (1.9 mil) Industrial Influence Area delineated around the exterior of the three large industries to restrict new land uses which may not be compatible with these heavy industrial operations. Permitted uses within the Major Industrial designation are as follows:
  - a) steel, metal production and ancillary facilities;
  - b) petrochemical processing and ancillary facilities;
  - c) electrical power generation and ancillary facilities; and
  - d) port and dock facilities.

Residential units established for the housing of caretakers or security personnel may be permitted on the same site as the industrial use (policy 4.C.1)4.).

- Industrial Lands in the Strategic Employment Area consist of all industries located in the Lake Erie Industrial Park. The Lake Erie Industrial Park is a unique long-term asset for locating industries or businesses which are compatible with the traditional or heavier types of manufacturing. An existing additional 2.1 kilometre (1.3 mile) extension to the Industrial Influence Area is included around the exterior of the Lake Erie Industrial Park.

Permitted uses in the Industrial designation are as follows:

- a) industrial and manufacturing processes with proper environmental control to manage toxic or obnoxious emissions, including solid and liquid wastes, noise, light, dust and vibration to the Ministry of the Environment standards;
- b) limited commercial, recreational, and institutional uses primarily serving employees in the area;
- c) warehousing and storage;
- d) wind power generation; and
- e) existing agricultural uses and expansions thereto.

Residential units established for the housing of caretakers or security personnel may be permitted on the same site as the commercial or industrial use (policy 4.C.1)5.).

- Development applications for new Major Industrial and Industrial uses in the Strategic Employment Area shall consider, but not be limited to, the following matters:
  - a) development shall take into consideration the availability of services;
  - b) industrial uses considered to be air or noise polluters which would result in the need to expand the Industrial Influence Area boundaries shall be prohibited;
  - c) no industrial uses shall be permitted to locate on lands in the vicinity of the Hamlet of Nanticoke, unless proper design and operation procedures can be implemented to eliminate adverse effects on the Hamlet;
  - d) Regional Roads 55, 70, 18, and 3 shall be used as the major routes for employee/shipping traffic; and
  - e) Proper site planning and design will consider parking, loading, lighting, topography, storm drainage, natural features, landscaping, buffering and adjacent land uses (policy 4.C.1)6.).
  
- Urban Business Parks are clusters of industries and businesses located within urban areas. The role of Urban Business Parks includes light industrial activities and some commercial uses which provide services to the industrial area or which increase the attractiveness of the industrial uses such as offices and retail outlets requiring significant outdoor storage. Permitted uses within the lands designated Urban Business Parks include light industrial activities such as:
  - a) manufacturing;
  - b) fabrication;
  - c) assembly and processing of partially processes material, goods and products;
  - d) warehousing;
  - e) bulk storage tanks;
  - f) service and maintenance operations;
  - g) public utilities;
  - h) transportation facilities;
  - i) trade schools;
  - j) research and development laboratories and facilities and similar uses;
  - k) commercial uses which provide services for the industrial area and which increase the attractiveness for the industry such as offices and retail outlets requiring substantial outside storage; and
  - l) additional industrial-related commercial uses such as:

- i) automobile sales, rental and service establishments;
- ii) restaurants;
- iii) service stations;
- iv) recreational facilities; and
- v) adult entertainment facilities.

Residential units established for the housing of caretakers or security personnel may be permitted on the same site as the commercial or industrial use (policy 4.C.1)7.).

- All proposals for new Urban Business Park uses shall be considered in accordance with the appropriate guidelines, Provincial or otherwise, regarding:
  - a) separation distances between industrial and sensitive land uses in accordance with the general landscaping and buffering requirements of this Plan;
  - b) the amount of process water required; and
  - c) the type and amount of effluent produced by the proposed use to determine the appropriateness of the proposed use (policy 4.C.1)14.).
- Adequate off-street parking facilities, sufficient to accommodate employees and visitors, and off-street loading facilities shall be provided for all industrial development (policy 4.C.1)15.).
- 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 (policy 4.C.1)16.).
- 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 (policy 4.C.1)17.).
- Industrial development situated in proximity to Provincial highways or arterial roads shall generally be required to provide a higher standard of amenity related to landscaping, buffering and the provision of outdoor storage than those industries situated on internal service roads (policy 4.C.1)18.).
- There are two areas in the rural portion of the County which have historically been designated for industrial uses. These two areas are:
  - a) A 200 hectare parcel located west of Jarvis and south of Townsend adjacent to the County's western boundary with Norfolk County; and
  - b) A 365 hectare area located north of Port Maitland, east of the Grand River (policy 4.C.1)20.).

- The parcels designated Rural Industrial do not have access to municipal sewage services and therefore, the uses will be limited to dry industrial uses. The zoning by-law will specifically define the dry industrial uses that will be permitted (policy 4.C.1)21.).
- Lake Erie Industrial Park (LEIP), a provincial-scale industrial park, is proposed to be a fully serviced industrial park providing opportunities for heavy industry and other industrial uses by protecting such industrial uses from land uses, which would detract from the industry's ability to operate effectively. This protection is in the form of an Industrial Influence Area that is maintained to limit land use incompatibility (policy 4.C.3)1.).
- Environmental Assessments (EAs) are in process, whereby full municipal servicing options for LEIP are being considered in conjunction with the major landowner in the area – Stelco – Lake Erie Steel. As the principle landowner in the area, Stelco has been receiving requests for industrial uses compatible to the intent of the principles of the industrial nature of the park to locate on their lands. To facilitate these requests, the County desires to establish interim servicing options for LEIP prior to final approval of the EAs and the provision of additional water and wastewater capacity to the area. The interim servicing options are as follows:
  - a) The County will monitor the capacity of the existing sewage treatment lagoons and servicing infrastructure in the LEIP to accommodate additional development. All development proposals in LEIP will be evaluated based on their ability to be serviced by the existing lagoons.
  - b) Should the lagoons and servicing infrastructure not be able to accommodate the proposed development, the County will consider, in the interim, private servicing options such as individual private services accommodating dry industry only or industries that only utilize raw process water and do not discharge to sanitary services. For the County to consider the private servicing option, the proponent of the development proposal is required to undertake and commit to the following:
    - i) Prepare a hydro-geological study that demonstrates the private servicing systems on the property containing the proposal will meet Ministry of Environment guidelines with respect to establishing such systems;
    - ii) Consider options for providing fire protection for the proposal;
    - iii) Enter into a servicing agreement that requires the following:
      - Connection to full municipal services when such services are made available to the property along with the payment of any associated fees or charges required for connection;

- That the effluent to private sanitary services will be from employee waste only;
  - That the Development Charge, based on the provision of full municipal services, is paid when a building permit is issued, to allow the County to obtain funds to assist in financing the municipal servicing infrastructure (4.C.3)2.).
- An existing 3 kilometre (1.9 mile) Industrial Influence Area is delineated in Schedule “A.2” around the exterior properties of the steel mill, oil refinery, hydro generating station and sites for the purpose of restricting new land uses which are incompatible with major industrial operations. A similar 2.1 kilometre (1.3 mile) extension to the Industrial Influence Area is delineated on Schedule “A.2” around the exterior of the lands designated Industrial. Schedule “A.2” also delineates the land use designations within the Industrial Influence Area.

The exact boundaries of the Industrial Influence Area within Haldimand County shall be subject to interpretation by the County, in consultation with the Ministry of Environment. For the purposes of interpretation, special consideration may be given to development proposals falling inside the Influence Area boundary for a distance of approximately 0.3 kilometres, subject to the relevant policies of this Plan (policy 4.D.1.).

- The purpose of the Industrial Influence Area is to ensure that development in the Major Industrial and Industrial designations is continued, as the focal point for large scale and heavy manufacturing uses within the area and to protect such industrial uses from incompatible land uses which would detract from their ability to operate effectively. The development of other uses shall be in accordance with the Industrial Influence Area (policy 4.D.1.).
- **Planning Comment:** While the subject lands are not located in a Hamlet, there is a cluster of rural residential and agricultural uses surrounding the subject lands, which is typical of the Hamlet environment. Therefore, the hamlet policies may provide some applicable policies when reviewing the subject applications.
- New commercial, industrial, institutional and agriculturally related uses may also be permitted within hamlets in accordance with the following criteria:
  - a) the use employs a small number of persons, does not require significant quantities of water, does not produce undue amounts of sewage waste and where serviced by an on-site sanitary sewage system, such system is designed and installed as per the Ontario Building Code and such use is compatible with surrounding uses;

- b) the use will not generate undue noise, traffic, odour, fumes, dust or vibration to the extent of interfering with the ordinary enjoyment of surrounding properties;
  - c) adequate on-site parking for the use must be provided;
  - d) the development should be buffered, where possible, from adjacent residential areas by planted, landscaped areas;
  - e) the designation and development of land for industrial purposes shall be considered in accordance with the appropriate Provincial guidelines regarding separation distances between industrial and sensitive land uses; and
  - f) to the extent possible, commercial, industrial and institutional uses shall be separated from residential uses and shall be consolidated into groups rather than scattered throughout the hamlet (policy 4.E.1)5.).
- Provincial highways are primary transportation routes under the control of the Ministry of Transportation. Connecting links linking provincial highways are controlled by the County. Direct access to a Provincial highway will be limited. Access will be restricted to roads that are not Provincial highways, where applicable, for all new developments. Permits must be obtained from the Ministry of Transportation for all developments located within their permit control area (policy 5.A.1)4.).
  - Traffic studies may be required as part of any proposal for development where it is determined that the development may have an impact on the road network. 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 developers 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 (policy 5.A.1)14.).
  - Generally, municipal water and/or sanitary sewer services shall not be provided to lands outside the designated boundaries of the Urban Areas. Development outside the designated boundaries of the Urban Areas shall be primarily serviced by individual water supply and sewage disposal systems. In only one instance, a private communal servicing system is being considered as a pilot project in accordance with the policies of this Plan. The result of the pilot project will be used in determining the appropriateness of developing communal sanitary servicing system in non-urban settlement areas of the County.

Development using on-site sanitary sewage systems shall require the prior evaluation and approval of such systems in accordance with the Ontario Building Code (5.B.2)1.).

- All new development 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 (policy 5.B.3)1.).
- 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 other agency having jurisdiction (5.B.3)2.).
- New development shall be required to control stormwater run-off, sediment and erosion during construction to the satisfaction of the County, the appropriate conservation authority and any other agency having jurisdiction (policy 5.B.3)3.).
- The following policies are directed at protecting the water quality of the streams in the County and will be addressed during the preparation of stormwater management plans.
  - a) The base flows of streams and quality of stream water will be maintained or enhanced.
  - b) Forest cover and riparian vegetation in headwaters, recharge areas and along streams and rivers will be maintained, protected and enhanced. Buffer strips in urban and agricultural settings shall be protected.
  - c) Existing sources of water pollution will be reduced and eliminated where possible and further deterioration of water courses and water bodies prevented.
  - d) Construction methods or techniques will prevent and control pollution and increased siltation of streams will be required. This shall apply to public works as well as private development.
  - e) Open and closed municipal and agricultural drains will be designed, constructed and maintained to reduce detrimental effects upon water resources, affiliated wildlife habitats, the surrounding environment, and minimize subsequent maintenance of the drain (policy 5.B.3)4.).
- When considering development proposals, the County may require development of a stormwater management plan to ensure the quantity and quality of the receiving stream and the provision of legal and adequate drainage outlets (policy 5.B.3)6.).

- Where a new use is proposed on lands which abut a sensitive land use, a study outlining mitigation measures may be required to protect the sensitive land use. The D-series Guidelines of the Ministry of the Environment will be used to guide the preparation of a study and the decisions related to locating the new use where sensitive land uses are involved. Where appropriate, mitigation measures may be recommended which sufficiently minimize the land use conflict and be appropriate to the particular conditions encountered. Mitigation measures may include but are not limited to any of the following:
  - a) Separation of uses by increased setbacks;
  - b) Screening and buffering such as landscape strips, architectural screenings, fences or berms;
  - c) Location of lighting so that it is deflected away or shielded from adjacent sensitive uses;
  - d) Proper location of parking, loading and unloading areas, and outside storage; and
  - e) Provision of safe, convenient pedestrian access with minimal interference from vehicular movement (policy 5.F.1)1.).
  
- The County may require a noise evaluation study for the siting of sensitive land uses, including residential development, adjacent to potential sources of excessive noise such as certain industrial facilities, transportation corridors or aggregate operations or auto racing facilities (policy 5.F.2)1.).
  
- In the case of a proposal for a new stationary noise source such as industry, aggregate extraction or a utility area, the County may require a noise study prior to the approval of the development or land use change (policy 5.F.2)2.).
  
- Air quality is important to Haldimand County as it impacts land, water, wildlife and human health. Clean air is important to Haldimand County and is monitored by the Ministry of Environment for future interpretation and impact on health. Various air quality-monitoring stations have been placed in Haldimand County by the Ministry of Environment to determine the effects of the Lake Erie Industrial Park as well as air pollutants from the United States (policy 5.F.3)1.).
  
- As part of Haldimand County's commitment to addressing air quality issues, air quality studies may be required where new industrial development is propose near sensitive land uses or where a new sensitive land use is being proposed adjacent to an existing industrial use (policy 5.F.3)2.).
  
- The Subdivision and Condominium Plan approval process and accompanying agreements pursuant to the *Planning Act*, will be used by Council to ensure that

the policies and land uses of the Official Plan and applicable Secondary Plans are complied with and that a high standard of design is maintained in new development areas. Council will only approve Plans of Subdivision or Condominium which conform with the *Planning Act* and the following criteria:

- a) The Plan of Subdivision or Condominium conforms with the policies of this Plan;
- b) Adequate servicing such as water supply, sewage disposal facilities, stormwater drainage, solid waste collection and disposal, road, and emergency services can be provided;
- c) The County is able to provide necessary services without imposing undue increased in taxation on all residents, and;
- d) The Plan of Subdivision or Condominium is not deemed to be premature, and is considered necessary in the public interest (policy 5.H.1.).

#### Ontario Planning Act

#### Section 51(24) Criteria

In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
  - d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;

- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

#### Section 51(2) Provincial Interest

The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
  - h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the coordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

- r) the promotion of built form that,
    - i. is well-designed,
    - ii. encourages a sense of plan, and
    - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
  - s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.
- The division of land is encouraged to proceed by plan of subdivision; however, where the Committee of Adjustment deems that the subdivision process is unnecessary for the proper and orderly development of the community, the creation of new lots may proceed by consent in accordance with the relevant policies of this Plan. 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 front 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 (policy 5.H.2.).
- Generally consent to sever land in the Agricultural designation may be considered in accordance with the following criteria:
  - a) The parcel to be severed and the parcel to be retained are both for agricultural use and are a minimum of 40 hectares in size;
  - b) Severances for individual, small-scale agriculturally-related uses may be permitted provided that the severance of these uses meet MDS requirements, does not form strip development and the size of the parcel is limited to the amount of land specifically required for the use;
  - c) Severances for legal or technical reasons, including minor boundary adjustments, easements or rights-of-way or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm (policy 5.H.3.).

- 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 (policy 5.H.7.).
- Adequate off-street parking and loading facilities shall be provided for all new development and/or redevelopment proposals to serve the needs of the specific use. Within commercial core areas, alternative measures for the provision of parking may be employed. Such measures may include, but are not limited to, cash-in-lieu of parking, reduced parking standards or arrangements acceptable to the County for the provision of parking on nearby sites (policy 5.L.2.).
- In considering a site specific application to amend the Official Plan, the County may require the applicant to provide a justification report having regard to the following:
  - 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 (policy 8.E.2.).

**Haldimand County Zoning By-law HC 1-2020**

**Table 1**

<b>Use</b>	<b>Permitted in 'IR' Zone?</b>	<b>Permitted in 'MG' Zone?</b>	<b>Permitted in 'CR' Zone?</b>	<b>Additional Requested Uses</b>
<b>Residential uses</b>				
Bed and breakfast establishment	No	No	Yes	
Dwelling unit in a permitted building	Yes, accessory	No	Yes, in certain buildings	
Home-based business, home office	Yes, accessory	No	Yes, accessory	
Home-based business, home occupation	Yes, accessory	No	Yes, accessory	
Home-based business, home industry	No	No	Yes, accessory	
Single detached dwelling	No, unless existing	No	Yes	
<b>Agriculture uses</b>				
Agriculture-related processing	No	Yes	No	
Cannabis Production Facility	No	Yes	No	
<b>Commercial uses</b>				
Adult entertainment establishment	No	Yes	No	
Animal hospital	Yes	Yes	Yes	

Use	Permitted in 'IR' Zone?	Permitted in 'MG' Zone?	Permitted in 'CR' Zone?	Additional Requested Uses
<b>Commercial uses</b>				
Agricultural service and supply establishment	No	Yes	Yes	
Auction centre	No	Yes	No	
Automobile body shop	No	Yes	Yes	
Automobile gas station	No	Yes	Yes	
Automobile service station	No	Yes	Yes	
Automobile washing establishment	No	Yes	No, unless existing	
Bake Shop	No	No	Yes	
Bakery, commercial	No	Yes	No	
Building supply establishment	No	Yes	No	
Business support services	No	Yes	Yes	
Commercial greenhouse	No	Yes	No	
Commercial radio, television and tele-communication towers (but excluding any office of studio associated therewith)	No	Yes	No	
Custom workshop	No	Yes	No	

Use	Permitted in 'IR' Zone?	Permitted in 'MG' Zone?	Permitted in 'CR' Zone?	Additional Requested Uses
<b>Commercial uses</b>				
Day care nursery	Yes	Yes	No	
Dry cleaning distribution station	No	No	Yes	
Dry cleaning establishment	No	Yes	No	
Farm supply outlet	No	Yes	Yes	
Fruit and vegetable outlet	No	No	Yes	
Garden centre and tree and plant nursery	No	No	Yes	
Merchandise service shop	No	Yes	No	
Microbrewery	No	Yes	No	
Office, business	No	Yes	No	
Office, medical	Yes	No	No	
Outdoor Storage	No	Yes, accessory	Yes, accessory	
Place of sports and recreation	Yes	Yes	No	
Printing and publishing establishment	No	Yes	No	
Private Club	Yes	No	No	
Restaurant	No	Yes	Yes	
Restaurant, take-out	No	No	Yes	
Retail store	No	No	Yes, 280 m <sup>2</sup> max	

Use	Permitted in 'IR' Zone?	Permitted in 'MG' Zone?	Permitted in 'CR' Zone?	Additional Requested Uses
<b>Commercial uses</b>				
Retail uses, accessory	No	Yes	No	
School, trade	No	Yes	No	
Self-storage units	No	Yes	Yes	
Towing establishment	No	Yes	No	
Vehicle sales and/or rental establishment	No	Yes	No	
Wholesale outlet	No	Yes	No	
<b>Industrial uses</b>				
Contractors shop	No	Yes	No	
Contractor supply and service shop	No	Yes	No	
Contractor's yard	No	Yes	No	
Fuel storage depot	No	Yes	No	
Industrial garage	No	Yes	No	
Manufacturing, Light	No	Yes	No	
Public utility Yard	No	Yes	No	
Research and development facility	No	Yes	No	
Recreational vehicle storage	No	Yes, accessory	No	
Truck terminal	No	Yes	No	
Warehouse	No	Yes	No	

Use	Permitted in 'IR' Zone?	Permitted in 'MG' Zone?	Permitted in 'CR' Zone?	Additional Requested Uses
<b>Institutional uses</b>				
Cemetery	Yes	No	No	
Community centre	Yes	No	No	
Cultural facility	Yes	No	No	
Place of assembly	Yes	No	Yes	
Place of worship	Yes	No	No	
School, Elementary	Yes	No	No	
School, Private	Yes	No	No	
School, Secondary	Yes	No	No	
School, Post-Secondary	Yes	No	No	
School, Trade	No	Yes	No	
Training and rehabilitation centre	Yes	No	No	
<b>Parks and Open Space uses</b>				
Fair or exhibition ground	Yes	No	No	
Golf course	Yes	No	No	
Park	Yes	Yes	Yes	
<b>Additional Requested Uses</b>				
Concrete plant	No	No	No	Yes
Restaurant, fast-food	No	No	No	Yes

A concrete plant is only permitted as a concrete and asphalt plant in the 'Heavy Industrial (MH)' and Extractive Industrial (MX)' Zones. A restaurant, fast food is permitted in the 'Downtown Commercial (CD)', 'General Commercial (CG), and Service Commercial (CS) Zones, and as an accessory use in the 'Community Institutional (IC)' Zone.

**Table 2**

<b>Zone Provision</b>	<b>'IR' Zone</b>	<b>'MG' Zone</b>	<b>'MX' Zone</b>	<b>'CR' Zone</b>
Min Lot Area	1,855 sq. m.	1,855 sq. m.	N/A	1,855 sq. m.
Min Frontage	30.0 m	30.0 m	N/A	30.0 m
Min Front Yard	13.0 m	6.0 m	30.0 m (for Concrete and Asphalt Plant), or 13.0 m (for all other industrial uses)	13.0 m
Min Exterior Yard	13.0 m	6.0 m	30.0 m (for Concrete and Asphalt Plant), or 13.0 m (for all other industrial uses)	13.0 m
Min Interior Side Yard	3.0 m	3.0 m; or 20.0 m (abutting a Residential Zone)	45.0 m (for Concrete and Asphalt Plant), or 5.0 m (for all other industrial uses)	3.0 m
Min Rear Yard	9.0 m	9.0 m	45.0 m (for Concrete and Asphalt Plant), or 9.0 m (for all other industrial uses)	9.0 m
Min Landscaped Open Space	30%	10%	N/A	15%
Max Building Height	11.0 m	11.0 m	11.0 m (for all industrial uses, except a Concrete and Asphalt Plant)	11.0 m

<b>Zone Provision</b>	<b>'IR' Zone</b>	<b>'MG' Zone</b>	<b>'MX' Zone</b>	<b>'CR' Zone</b>
Min Gross Floor Area	N/A	N/A	N/A	40 sq. m. per dwelling unit, or 70 sq. m. (for a single detached dwelling)
Max Lot Coverage	N/A	60%	N/A	N/A
Other	N/A	N/A	N/A	Maximum Gross Leasable Floor Area: 280 sq. m. (for a Retail Store, fruit and vegetable outlet)