
HALDIMAND COUNTY

Report LSS-13-2023 Addendum to Report LSS-06-2023 Unsolicited Offer to Purchase a Portion of 739 Cross Street West, Dunnville

For Consideration by Council in Committee on June 20, 2023



OBJECTIVE:

To update Council on a request to convey a part of 739 Cross Street West, Dunnville.

RECOMMENDATIONS:

1. THAT Report LSS-13-2023 Addendum to Report LSS-06-2023 Unsolicited Offer to Purchase a Portion of 739 Cross Street West Dunnville be received;
2. AND THAT Report LSS-06-2023 Unsolicited Offer to Purchase a Portion of 739 Cross Street West Dunnville be received;
3. AND THAT the application from Dakota Thomas Deamude and Jodie Ann Deamude requesting to purchase part of 739 Cross Street West, Dunnville, as shown on Attachment 1 to Report LSS-13-2023 and legally described as part of PIN 38111-0240, Part Lot 3 Indian Reserve Plan 69 as in HC42958; Haldimand County, not be approved for the reasons outlined in Reports LSS-06-2023 and LSS-13-2023.

Prepared by: Melissa Lloyd, Property Coordinator

Reviewed by: Lori Friesen, Manager of Legal & Support Services

Respectfully submitted: Megan Jamieson, Acting General Manager of Corporate & Social Services

Approved: Cathy Case, Interim Chief Administrative Officer

EXECUTIVE SUMMARY:

Report LSS-06-2023 was presented to Council at its April 11, 2023 Council in Committee (CIC) meeting to consider the sale and conveyance of a portion of 739 Cross Street West in Dunnville, as requested by the abutting property owners being Dakota and Jodie Deamude (the Applicants). The Applicants attended the CIC meeting as a delegation with the purpose of providing additional information to support their request to purchase County-owned property. The staff report did not support the sale and conveyance with rationale outlined within the report. After introduction of the report and receiving the delegation, Council deferred the report pending additional information and requested staff meet with the Applicants to discuss alternative options.

Staff met with the Applicants who, as a result, modified the original request. Feedback and due diligence review of the modified request was completed by staff. Based upon the results of this process, staff continue to recommend not approving the sale and conveyance of any portion of 739 Cross Street West in response to the unsolicited offer to purchase.

BACKGROUND:

Report LSS-06-2023 Unsolicited Offer to Purchase a Portion of 739 Cross Street West Dunnville was presented at the April 11, 2023 Council in Committee (CIC) meeting which outlined Dakota and Jodie Deamude's (the Applicants) offer to purchase property based upon three different options:

- Option 1 - to purchase 1.35 acres;
- Option 2 - to purchase 1.10 acres; and
- Option 3 - to purchase 0.6 acres.

As a result of the feedback process, staff did not recommend the sale and conveyance of any of these options.

During the CIC meeting, the Applicants attended as a delegation. Council deferred report LSS-06-2023 and directed staff to meet with the Applicants to determine if there are any other potential options that could be considered, noting that the Applicants goal is to protect the wetlands and mature trees while not impeding drainage for their own or neighbouring properties.

ANALYSIS:

The Property Coordinator met with the Applicants on site and completed a walk-about of the property. As a result, the Applicants have modified their application, seeking to purchase approximately 0.89 acres as identified in yellow hashmarks on Attachment 1. Staff circulated the revised request to the Grand River Conservation Authority (GRCA); the Planning & Development, Engineering Services, and the Facilities, Parks Cemeteries, & Forestry (FPCF) Operations divisions; as well as the Haldimand War Memorial Hospital for comments.

During the delegation, the Applicants stated that the GRCA requires a 30 meter setback from wetlands for any development. The Applicants felt that if the sale and conveyance was approved, it would not restrict any future development. The GRCA agrees with the Applicants - that they generally prohibit development within 30 metres, however, a developer can request a reduction in the setback, subject to an Environmental Impact Study and subsequent permit approvals. The Environmental Impact Study would identify and address how significant natural features, wildlife and their habitats will be protected during any development; and would be part of the consideration in the issuance of permits or modification to the setback.

The Applicants identified there is a very high water table in their area and that their current property takes on water from neighbouring properties from the east causing concern that future development may have a negative impact on the waterflow. The Planning & Development division confirmed that as part of any future development of 739 Cross Street West Dunnville, a detailed stormwater management report, along with grading/drainage, and engineering drawings would need to be submitted, reviewed and approved by the Manager of Engineering Services. Through this process, they would ensure that drainage to adjacent lands (including the lands of the Applicants) are is not adversely impacted by any future development.

In review of this Application, the Planning & Development division also stated that the Applicants property is a large urban lot (approximately 2 acres) and there is no technical need for the land addition. Moreover, the requested lands are part of a larger parcel (approximately 32.20 acres) which could have significant development potential. The removal of any portion of these developable lands, could have impact on the functionality of the main parcel or implications from a stormwater and outlet perspective. The requested lands to be purchased are currently zoned "Neighbourhood Institutional (IN)" and Wetlands (W)" in the Haldimand County Zoning By-law and designated 'Residential' in the Official Plan.

Engineering confirmed that the potential for development on 739 Cross Street West was assessed as part of a functional servicing study for this property in November of 2019. The functional servicing study indicated it is feasible to develop approximately 147 lots in two phases on this site. To service the lots, significant investment in the external underground services (water and sanitary) are required. The Deamude's application, if approved, will reduce the available developable area and therefore reduce the overall number of lots; thereby, will increase the cost per lot to install the external underground infrastructure. The application could also have a negative impact on the internal road network as reconfiguration may be required based upon the reduced property and availability of the storm water management pond, resulting in potentially reducing the number of overall lots. For these reasons, Engineering is recommending to keep this parcel whole to maintain the possibility of future development.

The Project Manager (PM), Forestry, FPCF division, was asked to comment with respect to the Applicant's concern for their mature trees along the lot line. The FPCF division supports the Applicants concerns regarding the mature trees growing along the property line; and confirmed the County has risk mitigation strategies in place to address safeguarding of trees. If the property was subject to a development application, the FPCF division would not support the removal of the trees, or the development close to the trees as they are part of the Dunnville Northeast Forest which include Provincially Significant Wetlands. An Environmental Impact Study would be required and there would most likely be a requirement for a 30 to 50 metre setback for any development from the trees/forest area. The FPCF division would also require a Tree Protection Plan detailing how the existing trees on the property and trees on the adjacent properties, including that of the Applicant, would be protected during development.

The revised application no longer seeks to purchase property that would be within the helipad setback but does abut the setback. As a courtesy, staff provided this information to the Haldimand War Memorial Hospital. A response was not received.

Options presented for consideration:

The Applicants submitted a new option for consideration by Council, as identified on Attachment 1. The following provides an analysis of the newly presented option and a staff recommendation which is included as Option 2 – to remain as status quo and not to sell any portion of 739 Cross Street West Dunnville at this time.

1. **Declare as surplus and sell parcel of land as shown on Attachment 1:** The Applicants have submitted an offer to purchase 0.89 acres for \$12,000 plus HST. When staff review offers to purchase, multiple variables are considered to determine fair market value. Items of consideration include size, location, potential future and best use of the lands, and how the lands will benefit the Applicant if the sale and conveyance is approved - which in this case, would merge with their existing 2 acre (approximate) property. Although the Applicants have indicated they are willing to pay more, staff believe the offer remains undervalued based on the potential negative effect severing off a portion of developable lands would have on the value of the lands; and that various risk mitigation strategies already exist to ensure the wetlands and mature trees remain protected in order to minimize drainage impacts of neighbouring properties. If Council wishes to discuss staff's opinion of value based on the County's Vacant Land Value Chart, staff can provide information verbally in closed session. It should be noted that the low value of the offer is a secondary concern to the primary issue which is the negative impact that approval of this application would have on future development in this area of the community.
2. **Remain as status quo** (recommended option): Based upon the feedback from County divisions; the negative impacts of selling the land; and existing mitigation strategies to address the applicant's stated goals - staff are recommending not to sell any portion of this property.

FINANCIAL/LEGAL IMPLICATIONS:

If sold, all costs associated with the property transactions will be borne by the purchaser(s) and the identified property would no longer be the legal responsibility or liability of the County. Subsequently, any proceeds from sale, if applicable, would be contributed to the Land Sales Reserve in accordance with County Policy.

If the property is not sold at this time, the property will remain the legal responsibility of the County. All costs incurred by the County to date are off-set through the non-refundable application fee.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

REFERENCES:

1. [LSS-06-2023 Unsolicited Offer to Purchase a Portion of 739 Cross Street West, Dunnville](#)

ATTACHMENTS:

1. Revised Location Map