
HALDIMAND COUNTY

Report PDD-18-2023 Zoning By-law Amendment to Permit Cold Storage Facility



For Consideration by Council in Committee on September 19, 2023

OBJECTIVE:

To present the key planning considerations related to a Zoning By-law Amendment application to permit a cold storage facility and related accessory structures on a vacant lot at 1350 Haldimand Road 55, Jarvis.

RECOMMENDATIONS:

1. THAT Report PDD-18-2023 Zoning By-law Amendment to Permit a Cold Storage Facility be received;
2. AND THAT application PLZ-HA-2023-038, for a site specific amendment to the Haldimand County Zoning By-law HC 1-2020, to facilitate the approval of an agriculture related use, a cold storage facility, on the subject lands, be approved for the reasons outlined in Report PDD-18-2023;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe, 2020;
4. AND THAT the by-law attached to Report PDD-18-2023 be presented for enactment;
5. AND THAT the Holding (H) Provision removal by-law attached to Report PDD-18-2023 be presented for enactment and the General Manager of Community & Development Services be granted authority to remove the Holding (H) Provision when all conditions relating to the matter are satisfactorily addressed.

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Reviewed by: Shannon VanDalen, MCIP, RPP, Manager, Planning and Development

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

Approved: Cathy Case, Interim Chief Administrative Officer

EXECUTIVE SUMMARY:

The applicants submitted an application for a Site Specific Amendment to Zoning By-law HC 1-2020 to facilitate the construction of a 3,510 square metre (37,781 square feet) cold storage building, including 222 square metres (2,389 square feet) of office space, six (6) loading bays, and forty-one (41) parking spaces. The proposed cold storage facility is an agriculture-related use which is permitted in Haldimand County Zoning By-law HC 1-2020 as an accessory use. The site specific amendment is required to permit the cold storage facility as a stand alone use. The application is also seeking to amend three provisions of the Zoning By-law to allow: an increased Building Height of 14.0 metres (45.9 feet), where 11.0 metres (36 feet) is permitted; a reduced Front Yard Set Back to 8.7 metres (28.5 feet), where 13

metres (42.6 feet) is required; and, an increased Maximum Gross Floor Area of 3,510 square metres (37,781 square feet) where 557 square metres (5,995 square feet) is permitted.

The subject lands are designated 'Agriculture' in the Haldimand County Official Plan and zoned 'Agricultural (A)' in Zoning By-law HC 1-2020. The lands are also regulated by the Long Point Region Conservation Authority (LPRCA) and are identified with the Natural Hazard overlay. The subject lands are located at the south east corner of the intersection of Haldimand Road 55 and Highway 3 (Talbot Road), and known municipally as 1350 Haldimand Road 55.

Planning staff are of the opinion that this proposal is in conformity with the Provincial Policy Statement 2020, complies with the Provincial Growth Plan 2020, and maintains the general intent and purpose of the Haldimand County Official Plan and Zoning By-law. Planning staff recommend approval of the amendment for the reasons outlined in this report.

BACKGROUND:

The subject lands, approximately 2 hectares (5 acres) in area, are located at the south east corner of Haldimand Road 55 and Highway 3, are known municipally as 1350 Haldimand Road 55. The lands are legally described as Part Lot 7, Concession 7, Geographic Township of Walpole, Haldimand County. The subject application was submitted to facilitate the development of a Cold Storage Facility on the western half of the property. A general location map can be found as Attachment 1; with a site plan layout shown in Attachment 2 (Owner's Sketch).

The subject property is currently vacant with no buildings or structures and no established points of access. The site is located entirely within lands regulated by the Long Point Region Conservation Authority (LPRCA). Although relatively flat, the eastern portion of the lot is lower and not suitable for development. The proposed Cold Storage facility is located at the west end of the lot within a limited building envelope high enough to be suitable for development.

There is an existing hydrant located within 90 metres of the proposed principal entrance. The water is considered a raw water line and not potable but, there is sufficient capacity and access for fire protection services for the subject property. A private drilled water well and an on-site septic system will be used to provide services for the daily functions of the cold storage facility.

Surrounding land uses are predominantly agricultural, with four (4) non-farm residential dwellings located on the north side of Highway 3. The closest of the dwellings is approximately 65 metres (213 feet) north of the north property line of the subject property. Immediately to the south of the property is a Haldimand County Bulk Water Distribution Station. To the west, land uses are predominantly agricultural, residential and commercial. About 500 metres (1,640 feet) west of the subject property is the Urban Area of Jarvis.

Planning staff supports this amendment application and have not received any concerns through the circulation of this proposal.

ANALYSIS:

Planning staff have determined the key planning issues related to this application. They are as follows:

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The *Planning Act* directs those decisions affecting planning matters "shall be consistent" with the policies of the PPS. The PPS provides direction of key

provincial interests, that must be consistently applied across the Province to ensure the collective, public good and quality of life are maintained or improved upon.

The PPS states that provincial plans and municipal official plans provide a framework for the comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth for the long-term.

The subject lands are located in a prime agricultural area of the County. The PPS requires municipalities to protect prime agricultural areas for long-term use for agriculture. In the prime agricultural areas, permitted uses and activities are: agricultural uses, **agriculture-related uses**, and on-farm diversified uses. In prime agricultural areas all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

As noted above, the property is located within a prime agricultural area and the PPS does allow for rural/agricultural lands to be used for **agriculture-related uses**. Agriculture-related uses means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

The applicant is proposing an Agricultural-related use directly related to the surrounding farm operations. The proposed cold storage facility would allow products to be stored in a climate controlled warehouse until they are shipped to market. The proposed cold storage facility should facilitate potential for diversification of the local agricultural economy, provide employment opportunities and place no new development constraints on the surrounding agricultural community.

The PPS also requires conservation of archaeological resources. According to policy 2.6.2 "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". A Stage 1 and 2 Archaeological Assessment was completed on behalf of the applicant. It was found that portions of the site contained high potential for pre- and post-contact archaeological resources, so additional study was required. A Stage 3 Study was also completed by a licenced archaeologist and identified a limited number of additional items and it recommended that no further archaeological assessment was required. The materials were also submitted to the Ministry of Tourism, Culture and Sport (MTCS). The County has been notified by MTCS that the assessment has been entered in the Public Register for Archaeological Reports and that the site is effectively cleared for development.

Overall, it is the opinion of Planning staff that the subject application is consistent with the PPS.

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

The purpose of the Growth Plan is to address challenges related to the magnitude of forecasted growth and changes in the Greater Golden Horseshoe over the next thirty (30) years. Planning decisions must conform to the Growth Plan.

Similar to the PPS, the Growth Plan deals with higher order land use planning matters across the Province such as curbing sprawl, encouraging intensification, balancing land uses, planning for infrastructure, protecting finite resources, etc. as the Greater Golden Horseshoe dramatically grows and changes in the long-term.

The studies/reports completed on behalf of the applicant (including Archaeological Study, Geotechnical and Methane Gas Assessment, and Planning Justification Report) have addressed the relevant policy requirements under the Growth Plan.

The following Growth Plan policies are particularly relevant to this application:

4.2.6.3 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.

4.2.6.4 The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced.

Planning staff agree that the proposed cold storage facility is an agricultural-related use, and accept the applicant's opinion that the proposed development will support the regional agri-food system by allowing farm produce to be warehoused in a climate controlled facility near production areas until such time that market demand requires these commodities be shipped. Cold storage will extend the shelf life of perishable goods. In this regard, the proposal supports the intent of the Growth Plan in enhancing and strengthening the local Agricultural System.

It is the opinion of Planning staff that the subject application conforms with the Growth Plan.

Haldimand County Official Plan

The Haldimand County Official Plan (OP) creates the long-term framework for guiding land use changes in the County by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County as expressed through its residents. The OP also provides the avenue through which Provincial Policy is implemented into the local context.

The subject lands are designated 'Agriculture' with a Riverine Hazard Overlay and the OP identifies that the predominant use of lands within areas designated 'Agriculture' shall be for agriculture and agriculturally-related uses.

As previously noted in this report, the proposed cold storage facility is an agriculture-related use that will support the regional agri-food industry. The proposed facility will allow local producers to store commodities, reducing spoilage and allowing for timely delivery of goods to regional markets and processing facilities.

The Applicant has worked with the County and Long Point Region Conservation Authority (LPRCA) to address the Riverine Hazard Land Policies in the Official Plan. In particular, given the topography of the subject property a significant portion of the property is susceptible to flooding. However, a portion of the subject property situated at the west end of the lot has been identified as a suitable building site that is outside of the 1-in-100 year flood zone. The LPRCA has advised that they have no concerns with the application as submitted. See LPRCA comments below.

Staff are satisfied that the proposed development conforms to the Riverine Hazard Policies in the Official Plan.

It is noted that within Haldimand County, predominantly near the urban area of Jarvis, that naturally occurring methane gas migration is found. The property is subject to this and therefore a Methane Gas Evaluation was completed as part of a Geotechnical Investigation conducted by Petro MacCallum Ltd. Consulting Engineers. From the report, concentrations of methane were not considered to be significant and will not impact the proposed development or create undue impacts for the area.

It is the opinion of Planning staff that the proposal conforms to the overall intent and purpose of the objectives and policies of the OP.

Haldimand County Zoning By-law HC 1-2020

The subject property is zoned "Agricultural" (A) with a Hazard Lands Overlay: Natural Hazard. The applicant is proposing to construct a Cold Storage Facility as a stand-alone Agricultural Related Use on the subject lands, where, in the "Agricultural" zone, such uses are permitted as accessory uses to

an existing farming operation. Through the proposed Site Specific Zoning By-law, a “Cold Storage Facility” will be identified as a stand-alone “Agricultural-related Processing Facility”. Agricultural Related Processing is a Permitted use in the Agricultural Zone. As per comments from Haldimand County’s Building and Municipal Enforcement Division:

Zoning By-law section 4.4.4. c) requires that “Any Agricultural-Related Processing use shall be subject to the following provisions:

- i) the maximum gross floor area (GFA) shall be 557 square metres (5,995.5 square feet);

Planning Comments: The applicant is proposing a GFA of 3,510 square metres (37,781 square feet) which is an increase of 2,953 square metres (31,785.8 square metres) to what is permitted. This deficiency is addressed through the Planning Justification Report (PJR) and proposed site specific Zoning By-law Amendment.

The subject property is 2 ha (5 acres) in area and a majority of the property, primarily the east half, is subject to flooding. The subject property is not suitable for typical farm practices. The applicant has identified a portion of the subject property, on the west half, that is suitable for development. The proposed facility is intended as a stand-alone facility intended to serve not just one farm but rather the surrounding farm community and has been sized by the applicant for that purpose. There are other storage facilities in Haldimand, that collect grains for example from multiple surrounding farms, that would be of similar or greater GFA and height. One such existing storage facility is a collection of large silos located at the intersection of Haldimand Road 17 and Haldimand-Dunnville Townline Road. Staff accept the applicant’s contention that the proposed facility is intended to serve multiple local area farms, eliminating the need for individual storage facilities per farm and that by concentrating storage needs, producer costs can be reduced while creating a more efficient facility to service the local farmers and regional market.

While the Zoning By-law does permit less intensive uses for agricultural properties, given the subject property’s location at the intersection of Haldimand Road 55 and Highway 3, staff are supportive of the more intensive cold storage facility use proposed.

- ii) outdoor storage is permitted but shall be screened from view by a visual barrier with minimum height of 1.8 metres (6 feet). All storage shall be in accordance with applicable property standards regulations, as amended from time to time;

Planning Comments: The applicant has no intention of having outdoor storage. The Zoning By-law Amendment will state that “Outdoor Storage shall not be permitted” in order to minimize the size and scale of the operation and overall footprint of the development. The proponent has noted that outdoor storage is not proposed with the operation and included this provision within their draft by-law. They have no concerns/objections to this limitation being included within the by-law amendment. A Site Plan application is also required for this application. Through the site plan the County can ensure no outdoor storage will be permitted on site and also assess any potential screening or buffering requirements.

- iii) the majority of the produce processed, preserved, packaged and/or stored shall be from the farm operation or surrounding area;

Planning Comments: The PJR addresses this point advising that the intent of the proposed Cold Storage Facility is to serve farm operations in the surrounding community.

- iv) the use shall be operated by the owner of the farm operation;

Planning Comments: As previously noted, given its size and potential for flooding, the subject property is not suitable for typical farming practices. The property is currently vacant and there is no, nor is there likely ever to be, a farm operation on these lands. In this case

there is no owner of a farm operation to operate the proposed facility. For this reason, the proposed Zoning By-law Amendment will state that section 4.4.4.c) iv) shall not apply. Staff are of the opinion that this provision maintains the general intent and purpose of the Zoning By-law.

- v) the use shall be secondary to the main farm use on the subject lands;

Planning Comments: This is addressed through the Site Specific Zoning By-law. The proposed Site Specific Zoning By-law Amendment will state that:

- “section 4.4.4.c) v) shall not apply.”
- “A Cold Storage Facility shall be permitted as a standalone building that is the principle use and not secondary to a farming operation.”

- vi) the minimum separation distance between an agricultural-related processing use and a dwelling on an adjacent lot shall be 30 metres (98.4 feet);

Planning Comments: According calculations based on the County’s Geographic Information System (GIS), it appears that the closest residential dwelling is approximately 33 metres (108 feet) from the north property line at the east end of the subject lot. This would situate the dwelling a greater distance than the required 30 metres (98.4 feet) from the proposed cold storage building, given that it is situated in the west end of the subject property. Based on the County’s GIS, the residential dwelling is located at least 50 metres from the nearest corner of the proposed cold storage building, and is located at least 70 metres from the proposed parking and loading area. Staff have also considered the Ministry of the Environment D-6 guidelines for this type of facility, which sets a minimum separation distance of 20 metres and includes a potential zone of influence of 70 metres. The nearest residential dwelling is largely screened from the parking and loading area by the proposed cold storage building itself. Staff are satisfied that the minimum separation distance requirement has been met.

- vii) employees are restricted to the owner and a maximum of 5 outside employees, full time or part time, on a given shift;

Planning Comments: The proposed cold storage facility would employ more than the owner and a maximum of 5 outside employees. The applicant has indicated that for other facilities like this, the number of employees varied significantly (seasonally). This building anticipates parking for 33 vehicles (employees and visitors) and 6 truck bays. Approximately 20 employees would be realistically accommodated in the building. The proposed facility is intended to serve multiple farms and is larger than a typical ancillary farm use for an individual farm operation. The proposed Site Specific Zoning By-law Amendment will state: that section 4.4.4.c) vii) shall not apply. Staff accept the applicant’s contention that the proposed agricultural related processing facility would be an independent operation that would employ approximately 20 people (full-time or part-time) on any given shift, and that the number of employees may vary from season to season. The applicant has advised that although shift work may be required in certain seasons, the facility would not require 24-hour shift work. Hours of operation would be typical office business hours. Sporadic extended hours may be required, seasonally or for other instances.

- viii) the use shall comply with the Ministry of Environment’s D-series Guidelines respecting land use separations from off-site residential buildings, as amended from time to time, or is to be located within a cluster of existing buildings, whichever setback is greater; and

Planning Comments: The dwelling located at 2223 Highway 3 is located approximately 33 metres from the north lot line of the subject property. Based on the definitions in the Ministry

of Environments D-6 guideline the Proposed Cold Storage facility would be classified a Class 1 industrial building. The guideline indicates that a Class I industrial building has a 70 metres (229 feet) potential influence area, and a 20 metre (65.6 feet) recommended minimum separation distance in which incompatible development should not normally take place. The width of the Highway 3 right-of-way is greater than 20 metres (65.6 feet) so staff are satisfied that the separation distance is exceeded. There is one residential dwelling located within the 70 metres potential influence area. That residence is located at least 50 metres (164 feet) from the nearest corner of the proposed Cold Storage Facility. The parking and loading areas are located on the south side of the facility, so the nearest residence is partially shielded from visual and auditory impacts of the facility by the proposed building. Further, the proposed parking and loading areas are located at least 70 metres (230 feet) from the residence. Additional screening measures can be considered through the required Site Plan application.

Staff are satisfied that the intent of the D-6 guideline has been met.

- ix) site plan control shall apply to any development.

Planning Comments: A Site Plan application is required.

Table 11.2 in Section 11.3 of the Haldimand County Zoning By-law HC 1-2020 establishes performance standards for buildings in the Agricultural Zone. The application proposes a building height of 14.0 metres (45.9 feet) where 11.0 metres (36 feet) is permitted. The application proposes a front yard setback of 8.7 metres (28.54 feet) where a minimum front yard of 13.0 metres (42.7 feet) is required.

Planning Comments:

Building Height – As discussed in the Planning Justification Report, the applicant has undertaken research with an operator of similar facilities. According to this research, the applicant advises that a minimum internal clearance height of 12.5 metres (41 feet), is required to allow for a viable placement and stacking of bins, to create optimal storage conditions. The required internal clearance height of 12.5 metres (41 feet) translates to a required external height of 14.0 metres (45.9 feet). Of note, there is no height limit on barns or other agriculture-related structures in Haldimand County Zoning By-law HC 1-2020, and so, this facility would not seem out of place given prevailing large building characteristics throughout the area. No comments or concerns have been received from internal departments, external agencies or the public regarding negative impacts resulting from the proposed building height. Staff are satisfied that the proposed height of 14.0 metres (45 feet) is appropriate and maintains the general intent and purpose of the Zoning By-law.

Minimum Front Yard – The developable area of the subject property is limited by a number of constraints, some because of site features and others because of development standards. As noted previously, the subject property is only 2 ha (5 acres) in area and over half of that is subject to flooding and cannot be developed. The portion of the property that can be developed is further constrained by applicable development standards including: a required 14 metre Ministry of Transportation setback from Highway 3; and, a front yard setback of 13.0 metres (42.7 feet). As a result, the development envelope for the site is limited and when all options are considered (including the natural site constraints) the front yard setback is one of the few where some flexibility exists. The applicant has requested that the required front yard be reduced from 13.0 m (42.7 feet) to 8.7 m (28.54 feet) and has agreed to provide landscaping to enhance the required front and external Yards on the subject property which will be done through the site plan approval process.

This application was circulated to various departments and agencies and the applicant completed a public consultation process. Staff have not received any feedback of negative impacts to surrounding properties.

Staff are of the opinion that the proposed site specific Zoning By-law Amendment maintains the general intent and purpose of the Zoning By-law.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Public: No comments or concerns received to date.

This application was circulated widely for comments. The following County Departments and External Agencies were circulated for comments on June 19, 2023.

The following comments have been received:

Building and Municipal Enforcement Services: The subject property is zoned Agricultural, with request to permit use of "Cold Storage Facility". The Planning Justification Report addresses zoning deficiencies - reduced front yard, building height and non-compliance w/ ZBL 4.44 c) i), iv), v), vii) As per section 4.44 c) ix) of the Zoning By-law, site plan control shall apply. Snow storage location(s) need to be identified. This can be addressed through Site Plan Control. Long Point Region Conservation Authority (LPRCA) approval will be required. Ministry of Transportation (MTO) approval will be required.

Section 4.44 c) vi) of the Zoning By-law – Ensure the minimum separation distance between an agricultural-related processing use and a dwelling on an adjacent lot is 30 metres minimum.

Forestry Operations: Forestry is not concerned with the proposed agricultural cold storage as there will be no impacts on County owned trees or Woodlands regulated pursuant to the Forest Conservation By-law 2204/20.

Long Point Region Conservation Authority (LPRCA): The subject property contains flooding hazards from a tributary of Sandusk Creek. LPRCA staff have no concerns with the application as submitted.

For the applicant's information, a portion of the subject property is regulated under Ontario Regulation 178/06. Based on the submitted site plan, a permit from this office is required prior to any development on the property. This includes the septic system and stormwater management pond.

Mississaugas of the Credit First Nation (MCFN): At this time, MCFN does not have a high level of concern regarding the proposed project and therefore, by way of this letter, approves the continuation of this project. However, MCFN requests that you continue to notify us about the status of the project. In addition, we respectfully ask you to immediately notify us if there are any changes to the project as they may impact MCFN's interests and that you please provide us with a copy of all associated environmental and archaeology reports. This includes, but is not limited to changes related to the scope of work and expected archaeological and environmental impacts.

Ministry of Transportation (MTO): Early in the process, prior to the circulation for comments, MTO provided the following comments: "MTO does not have any plans to widen this section of Highway 3 in the near future at this time. There's been quite a bit of back and forth correspondence between the developer and us regarding this file. In general, they complied with all our requirements to-date. However, one requirement we identified to the developer was to confirm that the variance in side yard setback is acceptable to the County."

MTO's requirement for a 14 m side yard setback is acceptable to the County and is reflected in the applicant's plans.

Since the formal circulation for comments on June 19, 2023, no comments have been received from MTO. Any future comments from MTO, received prior to the CIC meeting, will be added to this report.

The following departments and agencies were circulated; however, no comments or concerns have been received:

Development and Design Technologist: No comments on the subject Zoning Application.

Economic Development and Tourism Division: No comments received.

Emergency Services/Fire Services: No comments received.

Legal and Support Services – Property Coordinator: No comments received.

Public Works Operations – Water and Wastewater: No comments received.

Public Works Operations – Roads Operations: No comments received.

Public Works Operations – Transportation Engineering Technologist: No comments received.

Facilities, Parks, Cemeteries and Forestry Operations: No comments received.

Treasurer/Finance Division: No comments received.

Haldimand/Norfolk Health Unit: No comments received.

MPAC: No comments received.

Metro Loop: No comments received.

Six Nations Council (Six Nations of the Grand River Elected Council): No comments received.

Enbridge: No comments received.

Trans Northern Pipeline: No comments received.

Hydro One (High Voltage/Corridor): No comments received.

Hydro One (local): No comments received.

Bell Canada: No comments received.

Canada Post: No comments received.

Rogers: No comments received.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Location Map.
2. Site Plan.
3. Draft Zoning By-law Amendment.