
HALDIMAND COUNTY

Report PED-PD-27-2018 Temporary Use By-law to Permit an Additional Use–North Cayuga-Gardner



For Consideration by Council in Committee on June 19, 2018

OBJECTIVE:

To present the key planning considerations relating to permitting a Civil War re-enactment on the subject lands for a timeframe of 4 days during the third or fourth (but not both) weekend of August 2018, 2019, and 2020 via a temporary use by-law along with a recommendation from planning staff in order to assist Council in making a decision.

RECOMMENDATIONS:

1. THAT Report PED-PD-27-2018 Temporary Use By-law to Permit an Additional Use–North Cayuga-Gardner be received;
2. AND THAT application PLZ-HA-2018-114 to pass a temporary use by-law for a timeframe of 4 days during the third or fourth (but not both) weekend of August 2018, 2019, and 2020 to permit an additional use of Civil War re-enactment be approved for reasons outlined in Report PED-PD-27-2018;
3. AND THAT the application is deemed to be consistent with the Provincial Policy Statement (2014), the Provincial Growth Plan (2017), and other matters of Provincial interest;
4. AND THAT the Temporary Use By-law attached to Report PED-PD-27-2018 be presented for enactment;
5. AND THAT the Civil War re-enactment event be approved for a grant not to exceed \$1,276.00 to cover the associated temporary use zoning application fees in 2018, and incorporated into the 2019 and 2020 Tax Supported Operating Budgets as a Council Approved Initiative.

Prepared by: Ashley Taylor, M.Pl, Planner

Reviewed by: Mike Evers, MCIP, RPP, BES, Manager, Planning & Development

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

The proposed temporary use by-law was submitted to permit a Civil War re-enactment event on the subject lands. A Civil War re-enactment event has been permitted on the subject lands via a temporary use by-law for the past three years. While the proponent indicated that last year's event to commemorate the 150th Canada Day would be his final event, he intends to host another event this summer. He has proposed to host an event the third or fourth weekend (but not both) in August for a period of four days in 2018, 2019 and 2020 via a temporary use by-law. Section 39 of the *Planning Act* permits the passing of a temporary use by-law for a period not exceeding three years,

with extensions permitted thereafter. The proceeds from the events in 2015, 2016, and 2017 were donated to local foodbanks, and there will be another similar donation made following the next three events. The use has taken place in the previous three years without incident and has demonstrated it can be accommodated for the short, limited time duration while addressing all public interest matters such as traffic, noise, health and safety.

It is planning staff's opinion that the subject proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and conforms to the Haldimand County Official Plan. As such, planning staff recommends approval of the subject application.

BACKGROUND:

The subject application has been received to amend the Town of Haldimand Zoning By-law 1-H 86 to permit a Civil War re-enactment event to highlight the contributions of Canadians who enlisted during the American Civil War as an additional permitted use on the subject lands for one weekend (not exceeding four days) in August, 2018, 2019, and 2020. Each event will consist of camp drills, artillery presentations, cavalry and infantry demonstrations, and a brief re-enactment of a Civil War battle. The 2018 event will be the fourth event in a row that has been proposed/hosted at the subject property and by the applicant.

Previous to the subject application, the proponent received approval for a Civil War re-enactment event on a yearly basis for the third weekend in August for a period of four days (Report PED-PD-13-2015, Report PED-PD-21-2016, and Report PED-PD-19-2017). While planning staff explained to the proponent at that time that he could apply for a temporary use by-law for a period of time not exceeding three years as per section 39 of the *Planning Act*, he chose to apply on a yearly basis. The proponent indicated that last year's event to commemorate the 150th Canada Day would be his final event. However, he intends to host another event this year and has requested that the temporary use by-law permit one event in each of 2018, 2019, and 2020. The proposed dates of the 2018 event are August 17–20, 2018. There are five (rather than four) weekends in August 2019 and 2020 such that, planning staff recommends that the temporary by-law permit the flexibility to host an event on the third or fourth weekend (but not both) in August to ensure an amendment to the by-law is not required in the future.

As per previous events, during each event a dedicated group of enthusiasts will bring history to life through re-enactments that highlight the lives of the soldiers and the battles that took place during the Civil War. The public will be invited to attend these events which will include a living history program, demonstrations and battle enactments including the use of black powder armaments. The proponent has indicated that the events will be organized for non-profitable purposes to raise public awareness and to support local charities. It is for this reason the proponent has put forward a request to have all fees to the subject application waived. This is addressed in more detail in the Analysis section below and included as Recommendation #5 within the subject report. Council has considered the same request as part of each of the 3 previous applications and has approved same in each case.

The subject lands are designated 'Agriculture' in the Haldimand County Official Plan. The events as proposed do not conform with the County's agricultural policies (including value added, secondary, and agriculturally related uses). As such, a temporary use by-law application was submitted to temporarily permit the events. Temporary uses that do not conform to the land use designation are permitted via a temporary use by-law. The proposed events are to occur entirely on the subject lands in the layout shown in Attachment 2. As noted above, the 2018 event will be the fourth year for the event; there was an identical event that took place in 2015, 2016, and 2017.

The event in 2015 drew a total of 105 spectators to see the demonstrations by 35 re-enactors. The event in 2016 received roughly 130 spectators and a similar number of re-enactors. The event in 2017 received roughly 140 spectators and a similar number of re-enactors. The proponent intends to advertise the events in the newspaper and on the radio. During the past three events there were no issues with respect to impact on adjacent uses or road infrastructure.

Scope of Event:

The proposed Civil War re-enactment events will have the following scope and be set up in accordance with the site plan included as Attachment 2 and 3:

- i. Each event will be four days, including two days dedicated to set-up and take-down, and two days for the actual event;
- ii. Each event's duration will be from 10:00 am to 5:00 pm on each of the two days;
- iii. The event activities will include camp drills, artillery presentations, cavalry and infantry demonstrations, sabre demonstrations, church service, and a brief re-enactment of Civil War battle;
- iv. The duration of the re-enactment of a Civil War battle will be one hour from 2:00 pm to 3:00 pm on both days. The re-enactment will be held in the open fields in the rear yard;
- v. Music from the Civil War period will be performed off and on by two re-enactors using a microphone and loudspeakers between the hours of 10:00 am and 12:00 pm each of the two event days;
- vi. Up to 100 re-enactors will take part in the re-enactment;
- vii. The spectators will number approximately 250 on each of the two event days. A viewing area will be designated in the rear yard of the property for spectators;
- viii. On-site temporary accommodation in tents will be provided only for the re-enactors;
- ix. Temporary parking for approximately 150 cars will be provided in the field in the front part of the subject lands. Extra space for more vehicles will also be available;
- x. Separate entrance and exit to the parking area will be provided;
- xi. A tent measuring 9.1 metres (30 feet) by 9.1 metres (30 feet) will be erected in the front yard to act as the reception area;
- xii. Food will be sold on-site by a local vendor to be approved by the Haldimand-Norfolk Health Unit;
- xiii. No alcohol will be allowed on-site;
- xiv. Adequate number of portable washrooms and hand wash stations will be provided;
- xv. 5–6 volunteers will be appointed to regulate traffic and the temporary parking area; and
- xvi. 3 security personnel will be deployed to ensure safety and order.

ANALYSIS:

Planning staff have identified the following key planning issues through the review of this proposal:

Provincial Policy Statement (2014)

The Provincial Policy statement (PPS), 2014 provides overall policy direction on matters of provincial interest related to land use planning and development in Ontario. The PPS sets the policy foundation for regulating development and use of land. All decisions affecting planning matters "shall be consistent with" the PPS policies.

The subject lands are designated "Agriculture" and located within the prime agricultural area of the County. The PPS identifies that prime agricultural areas shall be protected for long-term use for agriculture. In prime agricultural areas, permitted uses and activities are agricultural uses, agriculture-related uses, and on-farm diversified uses. On-farm diversified uses are uses that are

secondary to the principal agricultural use of the property, and are limited in area. It is planning staff's opinion that the events are considered to be an on farm diversified use.

The PPS directs that proposed on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2016) developed by the Province provides the criteria for these uses. The Guidelines revolve around two key objectives—maintaining the land base for agriculture and supporting a thriving agricultural industry and rural economy. These Guidelines were not available for consideration/application to the previous events. However, the analysis and rationale provided in the previous reports is identical to the analysis and rationale provided below.

As per the Guidelines, the following criteria must be met to qualify as an on-farm diversified uses:

1. Located on a farm.
2. Secondary to the principal agricultural use of the property.
3. Limited in area.
4. Includes, but is not limited to, home occupations, home industries, agri-tourism and uses that produce value-added agricultural products.
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

The subject lands are located within the prime agricultural area of the County and are 17 hectares (42 acres) in size. According to the Municipal Property Assessment Corporation, the subject lands are classified as farmland for tax purposes and the farm operation is cash crops (feed and seed). According to the proponent, approximately 2.83 hectares (7 acres) of the farm is for personal use (i.e. single detached dwelling, housing of 6 horses, and production of hay for horses) and the balance of the agricultural lands (14.16 hectares/35 acres) are rented to a farm operator who is currently growing/harvesting soybeans. Spatially, the event is located among existing structures and on a portion of the agricultural lands that is not used for soybean production (Attachment 2). Temporally, the event is located once a year for a period of two days plus set-up and tear-down and will not interfere with soybean planting or harvesting. There have not been and will not be any site alterations/development as a result of the subject application. The event will not affect surrounding agricultural operations, is appropriate for the available rural services, and will not affect the agricultural/rural character of the area. Further discussion regarding noise, security, sanitation/food services, waste collection, emergency (medical, fire) services, trespass on private property, and on-site parking is provided in the Haldimand County Official Plan section below.

According to the Guidelines, if all of the above criteria are met, temporary events can be accommodated through a temporary use by-law under section 39 of the *Planning Act*, provided no permanent alterations are proposed to the land or structures (e.g., stages, washrooms, pavilions). The temporary zoning is to be structured in a way that the farmland is returned to agriculture immediately following the event. The intention is that these uses are permitted only on an interim basis. It is planning staff's opinion that the proposal satisfies the criteria listed above. As such, it is planning staff's opinion that the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The purpose of the Growth Plan is to address challenges related to the forecasted growth and changes in the Greater Golden Horseshoe to 2041 and to ensure the protection and effective use of finite resources. The Growth Plan establishes a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The Growth Plan speaks to issues relating to economic prosperity, which include transportation, infrastructure planning, land use planning, urban form, housing, natural heritage, and resource protection. Staff has reviewed this proposal in relation to the Growth Plan policies and is of the opinion that the proposed temporary use complies.

Haldimand County Official Plan

The Haldimand County Official Plan (OP) provides the avenue through which Provincial Policy is implemented into the local context. It also provides the framework for guiding land use changes in the County to 2026 by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County.

The subject lands are designated 'Agriculture' and located within the prime agricultural area of the County. The 'Agriculture' designation permits agricultural uses, uses secondary to agriculture or related to agriculture, and small scale agriculturally related commercial and industrial uses. Haldimand County has not initiated its five year OP review/update which will involve a conformity exercise to bring the Official Plan inline with the recently updated PPS (including the issuance of the Guidelines) and the Growth Plan.

Further, the proposal to host a Civil War re-enactment event once a year for the next three years does not conform to current OP agricultural policies given that on-farm diversified use policies have not yet been incorporated into the OP. However, the OP contains policies that allow a temporary use to take place if it does not conform to the OP. As such, the proponent submitted a temporary use by-law application to temporarily permit Civil War re-enactment events. For the reasons discussed in the 'Provincial Policy Statement (2014)' section above, it is planning staff's opinion that the spirit and intent of the agricultural policies are maintained.

Temporary Use

While the proposed land use is not permitted in the 'Agriculture' designation, there is policy basis in the OP that allows for the consideration/approval of temporary uses. According to the OP, the County may enact temporary use by-laws to allow the temporary use of land for the purpose that is otherwise prohibited by the Zoning By-law. The County may enact Temporary Use By-laws in the following situations:

- a) For a separate housing unit (such as a garden suite), in accordance with the relevant policies of this Plan;
- b) For unfamiliar or uncommon uses on a trial basis that do not necessarily conform to the policies of this Plan; and/or
- c) For a use where it is known that the use will only be established for a brief, defined period.

The subject proposal fits within 'b' and 'c' above, as it does not conform to the agricultural policies of the OP and is proposed for a defined period (i.e. for a weekend in August) over the next three years.

The OP also directs that prior to the passage of a temporary use by-law, Council shall be satisfied that:

- a) The temporary use permitted is compatible with adjacent uses or alternatively, that appropriate measures to mitigate any adverse impacts are implemented;

Planning Comment:

The key issues relating to compatibility are as follows:

Noise: The issue of noise relates to the amount and duration of impact on the reasonable enjoyment and use of surrounding properties and the level of interference with day-to-day activities. The noise sources are three-fold, that are generated from the various battle demonstrations, the music played and the camping provided for the re-enactors.

- **Discharge of Fire Arms/Cannons:** According to proponent, firing of fire arms including occasional cannon fire will be part of the battle re-enactment. However, the ammunition used will be fake in nature, and no live ammunition will be used. Therefore, the noise

impact will be much subdued compared to firing of live ammunition. Besides, fire arms and cannons will be discharged in the open fields on the southern part of the property only during the one hour (between 2:00 pm and 3:00 pm) battle re-enactment each of the two days. Therefore, it is anticipated that noise from the discharge of fire arms/cannons will not be a significant nuisance for the neighbours. The proponent has also indicated that during his consultations with the neighbours for previous events, they assured that they would not have an issue with such a noise level of duration. Staff has not received any complaints regarding the past three events.

- **Music:** Music from the Civil War period will be played periodically by two re-enactors using a microphone and loudspeakers for a small crowd of viewers (up to 250 each day) who will present on site close to the performers. The close proximity of the listeners to the source of music and the type of music performed will ensure a reasonable volume is maintained and prevent noise from spilling too much over to the neighbouring properties. Further, the music will be played intermittently for short periods of time during daytime hours (10:00 am to 12:00 pm). It will be amplified both towards north and south. There are currently five dwellings surrounding the subject lands; one located to the east at a distance of around 80 metres (262.5 feet), two located to the west (one at approximately 120 metres (393.7 feet) and the other at approximately 200 metres (656.2 feet), and two located to the north, each at a distance of approximately 350 metres (1,148.3 feet). There are no dwellings located towards the south. The combination of distance, direction of amplification and type/duration of the music is considered appropriate and not expected to have a significant impact on neighbours. The proponent has previously indicated that he has consulted with the neighbours regarding the potential low level noise from the event spilling over to their properties who have promised their full support with the event and no objection to the expected noise. Staff have not received any complaints regarding the past three events.
- **Camping:** Temporary residence in the shape of two small clusters of army tents (representing Union and Confederate army camps) will be allowed only to the re-enactors who will number from 50 to 100. No viewers will be allowed to stay overnight and no other camping will be allowed on the property. In view of the small number of campers contemplated and the army discipline which the re-enactors will be required to follow throughout the event duration (i.e. quiet evenings as in battle context), staff is confident that the re-enactors' camps will not be noisy nor generate undue impact. Lastly, re-enactor military police will be on site to keep order in camps. Staff have not received any complaints regarding the past three events.

In view of the facts discussed above, it can be inferred that the low level noise generated from the event activities, which will also be appropriately timed, will not have a significant impact on the neighbours.

- **Security:** Three professional security guards will be assigned to the event site for property surveillance, detection of potential sources of disruption, and the identification of threats to public safety. In case a genuine threat to public security is perceived, Ontario Provincial Police (OPP) will be called. More specifically, the security guards will follow the following security plan:
 - Access control, securing of site, and event entrance and exit;
 - Site patrol;
 - Those found to be involved in rowdiness will be escorted off the property;
 - No alcohol will be allowed on site;
 - Intoxicated patrons will be refused entry to the site or escorted off the property;

- No weapons, spray paint, markers or gang colours will be allowed;
- No narcotics of any sort will be allowed on site;
- In case of assault or criminal acts, the security guards will call police with whom they will remain in constant contact; and
- The security guards will contact Emergency Services (EMS) in the case of medical emergencies.

In the past, given the nature and small size of the event, OPP has not suggested the assignment of OPP staff on site.

- **Sanitation/Food Services:** Appropriate facilities are required for sanitation not only to ensure patrons are in a safe and healthy environment, but also to minimize impact to neighbours. In the past, Haldimand-Norfolk Health Unit has indicated to the proponent the number of portable toilets and hand washing stations to be required on site. The portable toilets will be clustered on a convenient location (as highlighted on the site plan in Attachment 2) away from the food vendors in consultation with the Health Unit.

In terms of food service, in the past, the proponent has contracted a food and beverage vendor approved by Ontario Food Truck Association for location on the event site. Also, in the past, a company has been lined up to supply fresh drinking water for the event. The Health Unit has in place a 'Special Event Application' process that the proponent must go through. The application must be approved prior to the event taking place and part of the approval process includes agreement upon proponent's responsibilities, inspection requirements, etc. Holding an event without the approved application can lead to charges being laid. The Health Unit will monitor this event and ensure that its regulations are enforced.

- **Waste Collection:** The regular collection and appropriate disposal of waste is an important compatibility issue. Failure to do so, could lead to spread of litter to surrounding properties, attraction of vermin, etc. The proponent has indicated that volunteers will patrol the event venue and the re-enactors' camping area during and at the end of each day to collect cans, bottles (to be recycled), food scraps and other waste to ensure the premise is properly maintained and that litter does not accumulate and create nuisance for neighbouring properties. Waste will be stored in a large covered container in a remote southern part of the facility, not shown on the site plan, (spot to be approved by the Health Unit) and removed after the event via a private contractor licensed for waste removal.
- **Emergency (Medical, Fire) Services:** Ensuring there will be appropriate medical and fire protection is important to ensure safety and wellbeing of both attendees and also neighbours (e.g. protection from possible spread of fire, etc.). Medical emergencies and Fire protection will be addressed via 911 calls to the County's Emergency Services and Fire Department, respectively. In view of the small size of the event, Emergency Services have not indicated the need for their presence on site.
- **Trespass on Private Property:** The proponent has indicated that in view of the nature of the Civil War re-enactment event, there is a possibility of some re-enactors occasionally stepping on to the neighbouring farm properties to the east and west. According to him, he has shared this possibility with neighbours who have assured that such a trespass for a short period during the event will not be an issue for them. Trespass by the viewers will be monitored by the security guards to make sure that such instances are kept to a minimum.
- **On-site Parking:** is adequate for the use and no adverse impacts on traffic or transportation facilities will result. The subject property contains four acres of vacant fields at the front facing Highway #3 most of which will be used as temporary parking for the

expected 150 vehicles. The available space is big enough to accommodate up to 450 vehicles without encountering congestion. The general site characteristics can be seen on Attachments 2 and 3. Therefore, there will be no shortage of parking space on the property. There is also a long driveway that would allow for queuing on site (if required) such that interference with regular traffic flows on the surrounding provincial and municipal road network should not occur. Also, all activities would take place within the boundaries of the site and departures/arrivals, deliveries, etc. that could create traffic impacts on Highway #3 would be regulated through dedicated volunteers and security officers. Besides, it is anticipated that all of the expected 250 viewers will not arrive or leave at the same time as most event activities will continue from 10:00 am to 5:00 pm both days. The busiest part of the event days is anticipated to be the one hour between 2:00 pm to 3:00 pm when most spectators would be on site to view the re-enactment of a battle. The security guards and volunteers regulating traffic will make sure that two separate spots are used as entrance and exit, and the exit is controlled in such a manner that traffic on Highway #3 is not impacted. In view of the nature of the event, size of the crowd, and the traffic control measures proposed, the Ministry of Transportation has in the past indicated that they have no issue with the proposal. Staff similarly do not anticipate any significant issues or cause for concern.

- b) On-site parking is adequate for the use and no adverse impacts on traffic or transportation facilities will result; and

Planning Comment:

See “on-site parking” comments under “a” above.

- c) There is a reasonable probability that the temporary use will cease on or before the expiry of the by-law.

Planning Comment:

Planning Staff is satisfied that the temporary use will cease on or before the expiry of the by-law. The subject by-law is proposed to be passed to permit three Civil War re-enactment events only on a temporary basis. The temporary use by-law would also set out a time-frame in which the proposed use would be permitted on the subject lands to ensure that the use remains temporary. Any extension to the permitted time-frame would require an extension approved by Council up to an additional three years with the possibility of future extensions thereafter.

Based on the foregoing, staff is of the opinion that the proposal complies with the general intent and purpose of the Haldimand County Official Plan.

Town of Haldimand Zoning By-law 1-H 86

The purpose of the Zoning By-law is to control the use of land and is legally enforceable. The subject lands are currently zoned ‘Agricultural (A)’ in the Town of Haldimand Zoning By-law 1-H 86. The proposed Civil War re-enactment event is not permitted in the ‘A’ zone. Parking, (event) tent, and the re-enactor camp, which are also part of the temporary use proposal, are also not permitted in this zone. The proposal is for a temporary use by-law to temporarily permit a Civil War re-enactment event with the required parking and to permit an event tent and re-enactor camp on the property for a specified time period.

The applicant is intending to exercise the proposed use for a period of four days from August 17-20, 2018, and the third or fourth (but not both) weekend of August in 2019 and 2020. While the proposed use is considered to be beyond the scope of what is currently permitted in the Zoning By-law, the Haldimand County OP sets out that a Temporary Use By-law may permit uses where it is known that

the uses will only be established for a brief defined period of time. The temporary nature of this by-law ensures permission of a Civil War re-enactment event on the subject lands only for a limited timeframe. Any passage of this by-law would not be interpreted as precedent setting and any future events of this nature that are proposed for this site will be addressed based on the individual merits and with consideration of all public interest matters. In the current situation, Planning Staff is of the opinion that the proposed temporary use by-law addresses the above and meets the public interest matters. Given that staff has received no complaints over the past three years from staff, agencies, or the public for the event, planning staff recommend that permissions be granted for three years (i.e. three events). If the proponent proposes to host additional events thereafter, additional consideration/approval of an additional application will be required.

Temporary Use zoning By-law Fee Waiver

Other than this event, to date the County has only addressed two different circumstances of event type. The first is those events held on public (municipal) property and the second has been for-profit events such as the music event hosted at the Cayuga Speedway in the past.

For those events held on municipal property they need to meet several principles:

- They are 'not for profit' community events;
- They are accessible to the general public; and
- They obtain the necessary approval from Council.

In these circumstances there is no fee charged for administering the County's event approval process, and the proponent using municipal property can obtain 'in-kind' support in terms of free use of parks and facilities, equipment provisions (i.e. road barricades, picnic tables, etc.), free use of the County's event trailer, and staff support (road closures, marketing, pre-event clean-up/grass cutting, etc.). The basis of providing tax supported subsidy for these events is that they contribute to community vibrancy, positive community image and economic development/tourism and occur on municipal property.

'For Profit' events are not eligible for these tax supported subsidies and must cover the cost of these services themselves. The proposed event, while being held on private property, is intended to be a 'not for profit' educational/charitable event that has the potential to draw a number of tourists to the County given its unique nature. Given the nature of the event which includes battlefield re-enactment (camping, drilling, use of horses, mock battles) and the potential to cause facility maintenance concerns, it is preferable that this activity not occur on municipal property. Based on the written commitment set out in Attachment 6, staff is satisfied that this event is generally consistent with the principles that the County applies to events held on its own property and accordingly Council could grant the associated planning fees if it desires. The proponent will continue to be responsible for the cost of logistical matters since the event will occur on private property. Council will still need to approve the implementing temporary use by-law when all the key matters relating to safety, parking, traffic, insurance, public health, noise and impact to neighbours is addressed.

Staff recommend granting the applicable fees as noted above, similar to the methodology utilized within the Community Improvement Plan, rather than waiving the fee. This cost will form a variance within the 2018 Tax Supported Operating Budget, as we currently do not have a budget for grants of this nature.

Before the event can proceed the implementing by-law will need to be in full force and effect and required arrangements to ensure proper event management will be required.

Planning Opinion:

The proposal is consistent with the Provincial Policy Statement (2014), complies with the Places to Grow Plan (2017), and conforms to the policies of the Haldimand County Official Plan. Therefore,

Planning Staff recommends the approval of temporary use by-law under Section 39 of the *Planning Act*. A temporary use by-law will allow the proposed use to exist for a period of four days stretching over four days in August 2018, 2019, and 2020 to allow three, four day events within that range on the basis that the proposal complies with Provincial and County policy frameworks. Staff are satisfied that the key public interest issues will be addressed through the by-law to limit the duration and actual uses to ensure compatibility will be achieved and through the required application/permitting process and regulations of the Health Unit which ensures all matters of sanitation and food service are suitably governed.

Planning Staff recommends that the Temporary Use Zoning By-law Amendment application be approved on the basis that the proposed use is consistent with the PPS, complies with the Provincial Growth Plan, and conforms to the OP. This proposal is also deemed to be an appropriate and desirable use of the subject lands and surrounding properties.

Please note that a public meeting has been scheduled to correspond with the presentation of this report. A public notice sign was provided to the proponent on the date of submission of the subject application.

FINANCIAL/LEGAL IMPLICATIONS:

It is the recommendation of Staff that Council pass a resolution on June 25, 2018 to waive the costs of the Temporary Use Zoning Fee of \$1,276.00. This cost will form a variance within the 2018 Tax Supported Operating Budget, as we currently do not have a budget for grants of this nature. If the subject application is approved, it will become a Council Approved Initiative for the 2019 and 2020 Tax Supported Operating Budgets.

Also, passing the temporary use by-law such that it permits a single event in 2018, 2019 and 2020 will reduce resources (staff time, paper for notices/comment request forms, postage) required. Planning staff have no concerns with permitting the same event (of similar size) for the next three years given that it has been hosted for the past three years without any complaints/concerns being received by stakeholders and the public.

STAKEHOLDER IMPACTS:

Ontario Provincial Police–Haldimand County OPP is aware of this event and has no concerns.

Haldimand Norfolk Health Unit–The Haldimand-Norfolk Health Unit (HNHU) requires the organizer of the event to contact the Environmental Health Team in regards to completing and submitting a HNHU Special Event Organizer application and Special Food Provider Applications (all food vendors must be approved by the HNHU before they sell or offer food to the public).

Emergency Services/Fire–No objections.

Economic Development and Tourism Division–No concerns. The proponent should reach out to Economic Development and Tourism staff to provide more details on the event so that Haldimand County can promote it through our various marketing channels.

At the time of writing the report, comments were not yet received from the Ministry of Transportation, Mississaugas of the New Credit Council, Hydro One, Union Gas, Planning & Development – Development & Design, Building Controls & By-law Enforcement or the Municipal Property Assessment Corporation. Through the circulation of this proposal in previous years, no objections were raised by commenting agencies. The subject proposal is the same as the previous iterations, thus no objections were anticipated.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: Yes

Policy: No

ATTACHMENTS:

1. General Location Map.
2. Location of Lands Affected–Owner’s Sketch 1 of 3.
3. Location of Lands Affected–Owner’s Sketch 2 of 3.
4. Location of Lands Affected–Owner’s Sketch 3 of 3.
5. Draft Zoning Amendment By-law.
6. Request to Waive Application Fees.