

VIA EMAIL

August 18, 2023

Ministry of Municipal Affairs and Housing
Municipal Services Office – Western Ontario
659 Exeter Road, Floor 2
London, ON N6E 1L3

Attn.: David Stubbs

Re: Draft Official Plan Amendment 69 (ERO# 019-6038; Ministry Ref# 27-OP-223086)
City File: PLOPZB-2022-056
Comments on Behalf of John Aarts Group
4691 Highway 6
Haldimand County, Ontario
Our File: JAG/HLD/21-01

We are the planning consultants for John Aarts Group regarding the Haldimand County Official Plan Review. John Aarts Group owns the property located at the intersection of Third Line and Highway 6, municipally known as 4691 Highway 6 (the 'subject lands').

John Aarts Group submitted applications to amend the Haldimand County Official Plan (the 'Draft OPA') and Zoning By-law (the 'Draft ZBA'), which was deemed complete on May 4, 2022, being municipal file number PLOPZ-B2022-056 (together, the 'applications'). The applications propose to comprehensively develop the majority of the subject lands for the purpose of industrial and commercial uses. As illustrated on Draft OPA Figure 1 [Appendix A], the western portion of the subject lands is proposed as the industrial component, while the easterly corner portion is proposed as commercial. The applications are currently under review by Haldimand County.

The Draft Official Plan Amendment 69 (the 'Municipal OPA') was adopted by Haldimand County on August 30, 2022, and is now before the Minister of Municipal Affairs and Housing for decision, with the public consultation period ending on August 20, 2023.

The Municipal OPA would have the effect of redesignating the entirety of the subject lands from *Agriculture* to *Rural Industrial*, as identified on *Schedule 'A.6' Rural Industrial*. This is generally consistent with the already-in-progress process to redesignate the lands initiated by the proponent (the Draft OPA) to permit development of the site, and John Aarts Group is supportive of the Municipality's initiative to recognize concentrations of rural employment uses. **However, we suggest modifications to the Municipal OPA to avoid several key issues that may interfere with the long-term viability and/or restrict the established industrial development pattern of the area and rural industrial lands throughout Haldimand County. As such, on behalf of John Aarts Group, we submit the following comments with respect to the Municipal OPA. In summary, we suggest that the Minister:**

1. Clarify that the list of permitted uses in the *Rural Industrial* designation is not exhaustive.
2. Remove the portion of land proposed for commercial uses from the *Rural Industrial* designation, as such uses would not be permitted in Employment Lands under new provincial policy framework, or implement the applicant requested site specific policy.

We expand upon these suggestions below.

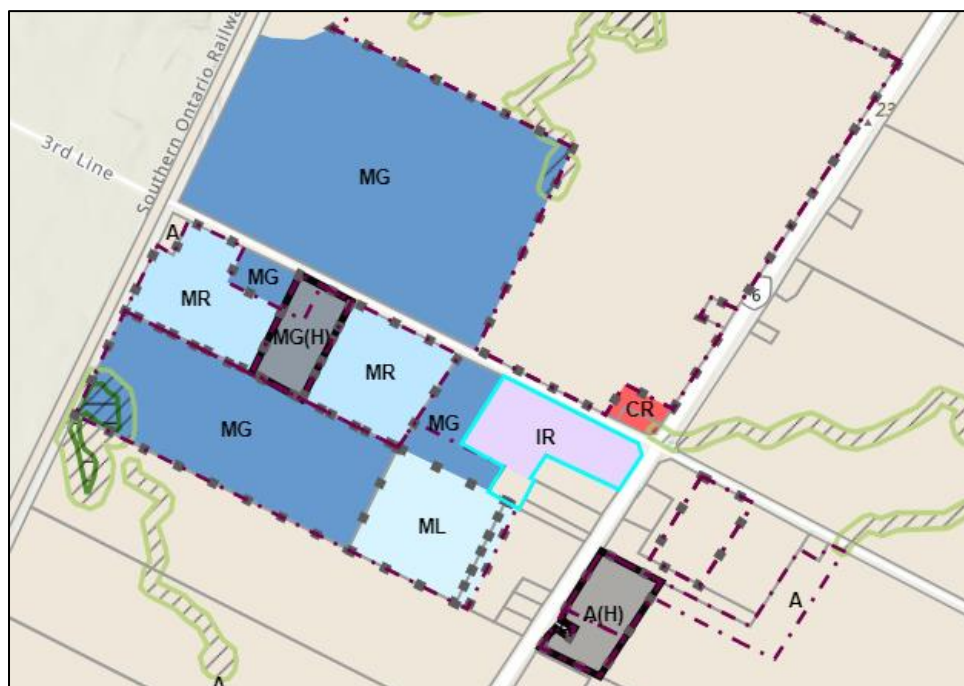
Comments

RE: RURAL INDUSTRIAL PERMITTED USES

John Aarts Group is generally supportive of the County's direction to identify the subject lands and surrounding lands as *Rural Industrial* within the Official Plan, recognizing existing employment clusters and signifying the intent for these lands to be maintained and developed in the future for industrial/employment use. This redesignation is generally consistent with the historic development pattern of the area and reflective of current applications under review with the municipality, and is a proactive and positive modification. However, the proposed land use designation does not contemplate the full range of uses located within the employment cluster and those uses located throughout the municipality in the *Rural Industrial* designation.

The current Official Plan provides that permitted uses are limited to "dry industrial" uses, though provides no greater certainty of permitted uses within, deferring to the implementing zoning by-law for more specificity. It is noted that much of the lands surrounding the subject property that are a part of the same group of lands being redesignated are zoned as "General Industrial Zone (MG)" (Figure 1), which permits a wide range of employment functions.

Figure 1: Zoning Map of subject lands and surrounding area. Retrieved from Haldimand County Zoning By-law HC 1-2020 Interactive Map.



The Municipal OPA describes the new Rural Industrial Designation as follows: "...recognizes those areas that have historically been designated for industrial uses, existing established industrial activities and agricultural-related industries located within the rural areas of the County" (Municipal OPA Policy 4.C.4)1). The Municipal OPA also proposes to formalize a list of permitted uses in the *Rural Industrial* designation and maintains that permitted uses are still limited to "dry industrial", though additionally provides the following uses which *may* be permitted (Municipal OPA Policy 4.C.4)2):

- a) light manufacturing;
- b) agriculture-related processing;
- c) agricultural service and supply establishments;
- d) cannabis production facility;
- e) commercial greenhouses;
- f) building supply establishments;
- g) contractor's yard, supply and service shops;
- h) warehousing, and
- i) public utility yards.

We suggest that the Municipal OPA recognize the nature of existing/proposed industrial uses at Third Line and Highway 6 through revising the description of permitted uses in the *Rural Industrial* designation to ensure the long-term viability of uses in areas with such a designation, and the suite of uses that may be permitted through the implementing Zoning By-law, in accordance with the intent of the designation as described in Policy 4.C.4)1). The area that the subject lands are located within have historically been developed for heavy and extractive industrial uses including a concrete batching plant, trucking facility, and gypsum mine.

Therefore, we suggest that the policy clarify that the list of permitted uses is not intended to be exhaustive, to recognize the diversity of uses within existing employment clusters and to be further specified through implementing zoning:

- "Properties designated Rural Industrial do not have access to municipal sewage services and therefore, the uses will be limited to dry industrial uses. The zoning bylaw will specifically define the dry industrial uses that will be permitted. Permitted uses may include, but are not limited to, the following:"

RE: RURAL COMMERCIAL USES

The applicant's Draft OPA proposes that the front/corner portion of the subject lands (Figure 2) be designated as a site-specific *Agriculture* designation which would permit rural commercial uses, to be further specified through the implementing Zoning By-law.

Figure 2: Schedule from Draft Official Plan Amendment. Lands identified by 'X' are proposed for Industrial use and lands identified by 'Y' are proposed for Commercial use. Refer to Appendix A for full Draft OPA.



On the other hand, the Municipal OPA proposes that the entirety of the subject lands, including this portion, be redesignated to *Rural Industrial*.

While the applicant is encouraged by the municipality's initiative to redesignate these lands, we have concern that this redesignation would have the effect of precluding commercial uses as per the revised definition of "areas of employment" within the Planning Act, and the Draft Provincial Planning Statement, which clarifies that "areas of employment" are focused on manufacturing/warehousing, and not retail/commercial use.

It is understood that the proposed designation of *Rural Industrial* through the Municipal OPA would constitute establishment of an "Employment Area" and thus preclude commercial, retail, and office uses that are not associated with the primary employment uses. In summary, the Municipal OPA in its current form, would not permit commercial uses on the subject lands as is proposed through the applications.

Therefore, we suggest the Municipal OPA be amended to remove the area identified as 'Y' from the *Rural Industrial* designation, and instead remain as its current *Agriculture* designation. The permissions for the proposed commercial uses would then be facilitated

through the applicant-initiated Official Plan Amendment (and Zoning By-law Amendment) which proposes a site-specific *Agriculture* designation which allows rural commercial type uses.

In the alternative, the Minister could add the proposed site-specific policy to Area Y, which implements the applicant initiated Official Plan Amendment, and which remains under review by the municipality, as follows:

“The Haldimand County Official Plan is hereby amended as follows:

Map Amendment

Schedule A.1 is hereby further amended by Identifying the lands shown as “Y” in Figure 2 of this letter as being amended a site-specific ‘Agricultural’ designation (HCOP-xx).

Text Amendment

The following is added to Section 9.C (Site-Specific Policies) as HCOP-xx:

HCOP XX: The following policies shall apply only to those lands on Schedule ‘A.2’ as having reference to this special provision:

- a) Notwithstanding Section 3A.5 of the Agriculture designation, rural commercial type uses shall also be permitted*

This approach would be consistent with Draft PPS Policy 2.8.2.2e) which directs that an appropriate transition to adjacent non-employment areas is provided to ensure land use compatibility. By locating the commercial lands between the more intensive uses proposed and other sensitive land uses in the vicinity, as well as Provincial Highway 6, an implicit buffer is provided and compatibility issues would be better mitigated.

The general intent of such permissions would be to allow the intersection-facing portions of this land to continue developing with commercial uses that would serve the local and through-traffic populations, as well as the growing employee populace in the area.

Minister’s Options

As the approval authority of the Haldimand County Official Plan, the Minister of Municipal Affairs and Housing may approve, modify and approve as modified or refuse to approve the plan”, as outlined in the Planning Act (Section 17). Accordingly, the Minister has the option, without delaying the approvals process, to revise the Haldimand County Official Plan as part of its review and approval to:

- a) Adding language to clarify that the list of permitted uses is not exhaustive and may be further specified through implementing zoning permissions; and**
- b) Remove the area identified as ‘Y’ from the Rural Industrial designation to allow for future commercial uses through the applications. This would constitute a mapping change to “Schedule ‘A.6’ Rural Industrial”, as identified within this letter. Or, implement site specific policy in Section 9C of the Municipal OPA and add a site-specific Policy to the area identified as ‘Y’, reflective of the proposed function of the lands for Rural Commercial purposes.**

Conclusion

John Aarts Group, the proponent of the development of the lands municipally known as 4691 Highway 6, submitted applications for Official Plan and Zoning By-law Amendment to permit industrial and commercial uses of the subject lands in advance of the Municipal OPA.

While John Aarts Group is generally supportive of the intent of the Haldimand County municipally-initiated OPA to redesignate the lands to *Rural Industrial*, we suggest two changes that would recognize the diversity of existing and proposed Rural Industrial nodes, and would facilitate growth as anticipated by the proposed applications. These changes would constitute a text change to Municipal OPA Policy 4.C.4)2), and a mapping change to Schedule A.6.

It is our opinion that these changes are consistent with the Provincial Policy Statement and conform to the Growth Plan, allowing for the efficient use of the land for employment and commercial purposes. Accordingly, we opine that the proposed changes should be made to the Municipal OPA before Ministerial approval.

Yours truly,

ZELINKA PRIAMO LTD.



Rob MacFarlane, MPL, MCIP, RPP
Senior Associate

cc. Client (via email)

Appendix A

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /22

Being a by-law to adopt Amendment Number HCOP-XX to the Haldimand County Official Plan by
Jonathan Aarts Group

Whereas Haldimand County is empowered to enact this by-law, by virtue of the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended;

And Whereas this by-law conforms to the Haldimand County Official Plan,

Now Therefore, the Council of The Corporation of Haldimand County enacts as follows:

1. That Amendment No. HCOP-XX to the Haldimand County Official Plan for a property known municipally as 4691 Highway #6, Haldimand County, consisting of the map and explanatory text, as attached to form a part of this by-law, be hereby adopted.
2. And that the effective date of this by-law shall be the date of final passing hereof.

Read a first and second time this ___ day of _____, 2022.

Read a third time and finally passed this ___ day of _____, 2022.

Mayor

Deputy Clerk

By-law Number /22

AMENDMENT NO. HCOP-xx
TO THE HALDIMAND COUNTY OFFICIAL PLAN

PART A: PREAMBLE TO THE AMENDMENT

1. Purpose of the Amendment

The purpose of this Official Plan Amendment is to amend the designation of certain lands to include a site-specific 'Agriculture' designation to facilitate the establishment of a concrete batching plant and facilitate future development opportunities for rural commercial type uses. The Official Plan amendment would apply to the subject lands as illustrated on Schedule 'A'.

2. Location of the Lands Affected

The subject lands are located generally at the southwest of the intersection of Third Line and Plank Road in Haldimand County, referred to municipally as 4691 Highway #6.

3. Basis of the Amendment

The subject lands are designated 'Agriculture' within the Haldimand County Official Plan. Within the 'Agriculture' designation, the land base is to be protected and the use of the lands must be predominately agriculturally oriented, with permitted uses including all forms of farming, as well as land uses compatible with or related to agriculture. In terms of the proposed amendment there is no anticipated negative impact on the prime agricultural area, in particular given the existing use of the subject lands for recreational purposes. The intent and purpose of the Provincial and local policies are maintained as the site does not represent a specialty crop area, there are no issues with the Minimum Distance Separation (MDS) formulae. Further, due to the nature of the proposed use and the context of the surrounding land uses, the subject lands represent an appropriate location for the proposed use. The lands subject to the amendment are identified in Schedule A of this amendment.

PART B: THE AMENDMENT

The Haldimand County Official Plan is hereby amended as follows:

Map Amendment

Schedule A.1 is hereby further amended by:

Identifying the lands shown as the subject lands on Schedule "A" of this amendment (attached to and forming part of this amendment) as being amended a site-specific 'Agricultural' designation (HCOP-xx).

Text Amendment

The following is added to Section 9.C (Site-Specific Policies) as HCOP-xx:

HCOP XX: The following policies shall apply only to those lands on Schedule 'A.2' as having reference to this special provision:

- a) Notwithstanding Section 3A.5 of the Agriculture designation, a concrete batching plant and/or general industrial uses shall also be permitted on Part X of the subject lands as shown in subsection c;
- b) Notwithstanding Section 3A.5 of the Agriculture designation, rural commercial type uses shall also be permitted on Part Y of the subject lands as shown in subsection c; and
- c) The following figure forms part of this amendment:



PART C: ADDITIONAL INFORMATION

Implementation:

This amendment will be implemented by Haldimand County by enacting an amendment to the Town of Haldimand Zoning By-law HC 1-2020.

The subject lands will also be subject to site plan control, which will ensure that subsequent development on the parcel is subject to review by the County. Site plan control will provide the opportunity to review the location of road access, parking, massing of buildings, vegetative buffers, stormwater management/drainage and other identified measures. A site plan agreement may also be required to be registered on title as part of the site plan process.

Report Number:

File Number:

Name: Jonathan Aarts Group

Roll No.

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