

Attachment A - Report CD 23-046
County-Initiated Application Overview

Port Rowan, St. Williams, Booth's Harbour Holding Provision (Water Infrastructure)

Application File Numbers: ZNPL-2023-090

Applicant: Norfolk County

Statutory Public Hearing

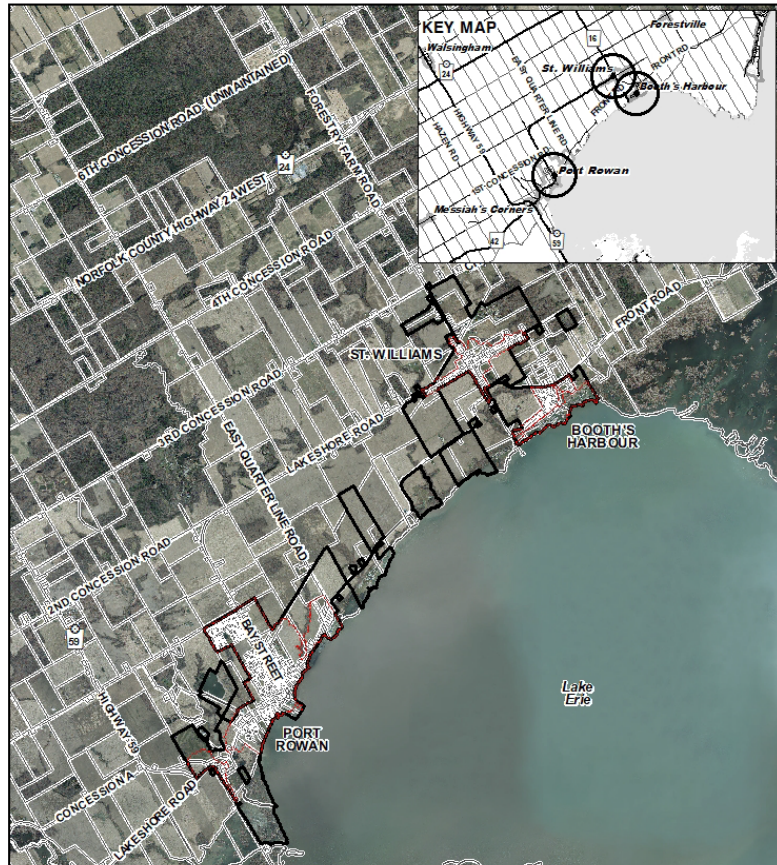
Date: June 6th, 2023

1

Site Context

MAP A
CONTEXT MAP
In the Urban/Hamlet/Resort Areas of
PORT ROWAN, ST. WILLIAMS & BOOTH'S HARBOUR

ZNPL2023090



Legend

Subject Lands	OFFICIAL PLAN 1-OP-2018
2020 Air Photo	Urban Area Boundary
	Hamlet Area Boundary
	Resort Area Boundary



Site Characteristics:

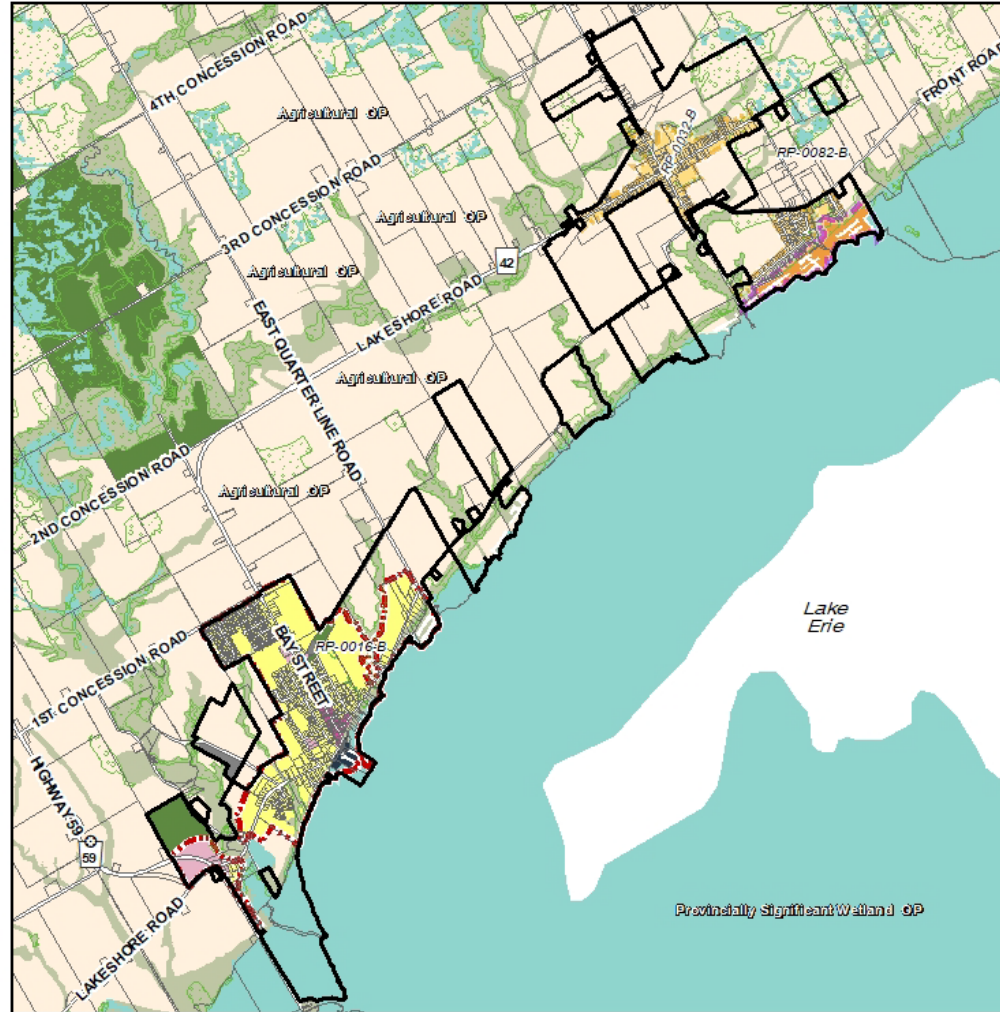
- Majority of the Port Rowan, St. Williams, Booth's Harbour and transmission line area that is (or could be) serviced by municipal water system
- An Urban Area, Hamlet Area and Resort Area
- Variety of low density residential, commercial and supportive uses

Site Context

MAP B

ZNPL2023090











OFFICIAL PLAN MAP
In the Urban/Hamlet/Resort Areas of
PORT ROWAN, ST. WILLIAMS & BOOTH'S HARBOUR



Legend

Subject Lands

Official Plan Designations

- | | |
|---|---|
|  Agricultural |  Major Public Infrastructure |
|  Hazard Lands |  Parks & Open Space |
|  Provincially Significant Wetland |  Urban Waterfront |
|  Hamlet |  Urban Area Boundary |
|  Resort Residential |  Hamlet Area Boundary |
|  Urban Residential |  Resort Area Boundary |
|  Downtown |  Significant Woodland |
|  Commercial | |

5/10/2023



0.4 0.2 0 0.4 0.8 1.2 1.6 Km

County-Initiated Proposal

- **Servicing Monitoring Report (Sept. 2022)**
 - Indicates limited capacity at Port Rowan Water Treatment Facility with existing and committed development. With pending development would be over-capacity.
 - Infrastructure project has been triggered and in the design phase 2023 with construction planned 2024-25.
- **Development Potential**
 - Existing Official Plan and Zoning allows further development or redevelopment in the serviced area.
 - Additional proposals being received or possible.
 - Important to formally convey that an infrastructure project is required and underway prior to additional capacity being available for development.

Proposed Zoning Amendment:

- Rezone all lands within the serviceable area (and those properties part of a water bylaw along the transmission line area) to add a Holding Provision to limit new development until such time as water infrastructure project completed and capacity available.

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County-Initiated Proposal

- Existing uses can continue
- Additions, expansions or replacements of existing buildings may be permitted provided no new water service
- Additional dwelling units may be permitted provided no new water service
- Municipal infrastructure and related construction is permitted
- All other new development on hold until water treatment facility improvements completed and capacity available (estimated 2023-25)
- Exemptions for some developments already in process and allocated capacity, or approved private system



Preliminary Review

Technical Comments:

- Coordination of the need and holding provision with Environmental & Infrastructure Services.
- No significant comments received to date.

Public Input:

- 2 requests to confirm that capacity allocated for single detached dwelling(s) already part of the development process
- 1 supporting the holding provision until the infrastructure project is completed
- Question regarding potential for tiny home
- Letter identifying questions and confirmation, including: calculations about capacity, system design capacity, water billing, water loss, amount of water hauling, bulk water rates, Long Point Distribution System, locations of water use, etc.

Next Steps & Recommendation

- Consideration of Public Hearing Input
- Review of all Technical Comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff Report CD 23-046 for County-initiated application ZNPL-2023-090 be received for information;

AND FURTHER THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Attachment B – Existing Planning Policy and Zoning Considerations

Report CD 23-046

Planning Act

Section 2 of the Planning Act outlines those land use matters that are of provincial interest and for which all county planning decisions shall have regard. The provincial interests that apply to development on this site are:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (p) the appropriate location of growth and development and

Section 34 of the Planning Act permits amendments to the zoning by-law by Councils of local municipalities.

Section 36 of the Planning Act authorizes a Council to pass a holding provision bylaw where provisions exist within an Official Plan to do so.

36 (1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. R.S.O. 1990, c. P.13, s. 36 (1).

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the use of the holding symbol mentioned in subsection (1). R.S.O. 1990, c. P.13, s. 36 (2).

Provincial Policy Statement (PPS)

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.6.6.1 Planning for sewage and water services shall:

a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

1. municipal sewage services and municipal water services; and
2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;

b) ensure that these systems are provided in a manner that:

1. can be sustained by the water resources upon which such services rely;
2. prepares for the impacts of a changing climate;
3. is feasible and financially viable over their lifecycle; and
4. protects human health and safety, and the natural environment;

c) promote water conservation and water use efficiency;

d) integrate servicing and land use considerations at all stages of the planning process; and...

Norfolk County Official Plan

8.9 Water and Wastewater Services

Municipal water systems exist in all six of the Urban Areas. The County intends to improve and extend municipal water services throughout the Urban Areas. Municipal waste water treatment systems exist in Simcoe, Port Dover, Delhi, Waterford and Port Rowan. There are also a number of private communal water supply systems, principally serving Resort Areas. The balance of the County is serviced by private wells and individual waste water disposal systems. The County will ensure that cost-effective and adequate systems for water supply and waste water treatment are provided to support, enhance and sustain existing and future residents and businesses in the County.

8.9.1 Services in Urban Areas

The following shall be the policy of the County:

a) The County shall ensure that both municipal water supply and waste water treatment systems perform within permitted operating standards. Limitations on the capacity or operating performance of these systems are recognized as a constraint to further development. The County shall continue to monitor treatment capacities and operational effectiveness of these municipal systems.

8.9.3 Servicing Allocation and Phasing

The following shall be the policy of the County:

a) When unallocated servicing capacity does not exist for a proposed development, the County shall defer the processing of the planning application until capacity is available, or until a servicing agreement is in place to ensure that such capacity will be available to service the development. Draft approved plans of subdivision may only proceed to registration if sufficient servicing capacity continues to exist.

b) The timing of development in the Urban Areas shall be managed so that:

- i) there is a logical extension of municipal services that avoids the “leapfrogging” of large undeveloped tracts of land between the existing urban development area and the proposed development;
- ii) a compact form and pattern of development is maintained;
- iii) the provision of all municipal services, as appropriate, proceeds in an economically viable manner; and
- iv) first priority is given to reserving servicing capacity for infilling, intensification and redevelopment.

9.4.2 Holding Provisions

Holding zones may be established in order to achieve orderly development and ensure that policies established in this Plan have been met. Council may place a holding symbol on the zone that prevents development from occurring until the County is satisfied that certain conditions have been met, allowing Council to indicate support for the development in principle, while identifying the need for additional actions prior to development proceeding. Specific actions or requirements for the lifting of the holding provision shall be set out in the County's Zoning By-law or the amendment thereto.

These actions or requirements include, but are not necessarily limited to, the following:

- a) The allocation of municipal servicing capacity on the part of Council;
- b) The phasing and logical progression of development;
- c) The provision of adequate service or road infrastructure and works;
- d) The completion and confirmation that environmental contamination remediation has occurred on site, or that satisfactory verification of suitable environmental site condition is received by the County;
- e) The completion of an appropriate supporting study(ies) to the satisfaction of the County, in consultation with other agencies, as required;
- f) Confirmation that the requisite permits and approvals from external authorities have been received;
- g) The completion of a development or the subdivision of land, including the negotiation of a development or subdivision agreement;
- h) That site plan approval has been granted by the County, and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act; and/or
- i) That the specific policies of this Plan have been complied with.

Zoning By-law

1.4.4 Establishment of Holding Zones

Pursuant to Section 36 of the Ontario Planning Act, holding Zones are hereby established by the use of the symbol "H" as a suffix to the Zone symbols in Subsection 1.4.1. Land subject to the symbol "H" shall not be used, nor any building or structure used, altered or erected except in accordance with the Zone applied thereon and until the "H" is removed by an amendment to this By-Law.

The Corporation of Norfolk County

By-Law ##-Z-2023

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for properties in the Port Rowan, St. Williams, Booth's Harbour area.

WHEREAS Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 and 36(1) (Holding) of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

AND WHEREAS this By-Law conforms to the Norfolk County Official Plan.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-Law) to apply a holding provision (H) to all of the applicable zones.
2. That the holding (H) provision of this By-Law shall be removed upon confirmation by the General Manager of Environmental & Infrastructure Services (or designate) that sufficient water capacity is available.

Until such time as the holding provision is removed, the following shall be permitted:

- a) Existing uses, including additions or expansions thereto up to 50% of the gross floor area are permitted provided there is no new municipal water connection (or private well). Replacement of an existing use and building with the same use.
- b) Additional Dwelling Units (including Interior and Exterior), provided there is no new municipal water connection (or private well).

c) New development that:

a. Is permitted by the General Manager, Environmental & Infrastructure Services (or designate) on private water systems (e.g., 436 Front Rd.)

b. 31 townhouses on College Ave (MDR Developments - Roll # 3310544001084000000)

c. 13 single detached dwelling – Ducks landing site Ph 5?

d. 1 single detached dwelling on 1096 Front Road.

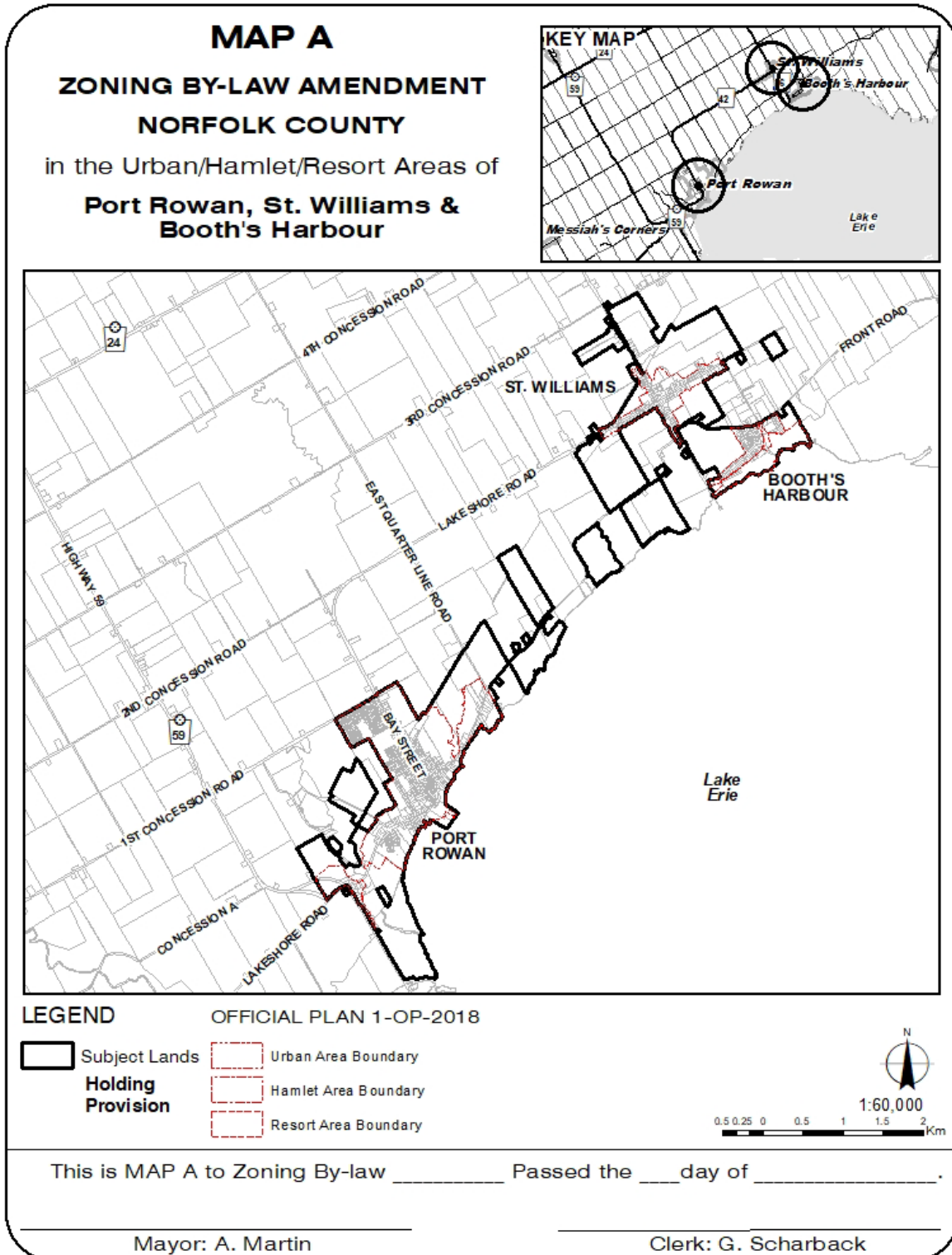
d) Municipal infrastructure and the replacement or expansion thereof

3. That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this _____ day of _____, 2023.

Mayor A. Martin

County Clerk G. Scharback



Applicant «Applicant»
 File Number ZNPL-2-23-090«File_Number»
 Report Number CD 23-046
 Assessment Roll Number - Various

**Explanation of the Purpose and Effect of
By-Law 16-Z-2023**

This By-Law affects parcels of land described as that have or could have municipal water servicing within the Port Rowan, St. Williams, Booth's Harbour area.

The purpose of this By-Law is to change the zoning on the subject lands to apply a holding provision. The change would have the effect of permitting existing land uses as is, allowing some new additions or additional dwelling units provided no new water servicing connections are required, allowing existing approved and allocated developments and not permitting all other new development that would require water servicing until such time as the infrastructure improvements to the Port Rowan Water Treatment Facility are completed.

ZNPL2023090 – Technical Comments

Building Department: The building department has reviewed the proposal and has NO comments or conditions. No Ontario Building Code review has been completed at this time and will be done at permit application stage.

Please reach out to the building department as you get closer to having the planning and applicable approvals in place and staff will be happy to assist you with information on preparing for the building and septic permit stage of the project.

All general permitting inquires: by email: permits@norfolkcounty.ca or by phone: 519-426-5870x6016

Please refer to our website for current forms, and fees.

<https://www.norfolkcounty.ca/business/building/>

Paramedic Services: No comments from Paramedic Services.

Zoning Department: No Comment from Zoning

ZNPL2023090 Public Comments

From: [Tim Urch](#)
To: [DCS Planning General Email](#)
Subject: Notice of complete application and public meeting, file # ZNPL2023090
Date: Monday, April 17, 2023 8:35:45 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Norfolk County Planning Dept.,

We have been planning for some time to build our house at [REDACTED]. From the very beginning, inc prior to purchase of the property, we inquired as to the availability of county water for the house. We were assured that we would be able to tap into the municipal supply which is in place now on the Front Rd frontage. One of the individuals who commented on this via telephone was the planner we had been assigned, Nicole Goodbrand.

Initially we purchased our property which consisted of five registered lots. In our Pre Submission Consultation Meeting, (October 27, 2021), we were told we would have to bring Booth Harbour Rd up to county standards in order to utilize four of the lots, their frontage being on Booth Harbour Rd., but that one lot, with its frontage on Front Rd, was buildable, and a building permit would be available. We hired Wilson Associates to undertake a Hydrogeologic survey of the properties to determine capacity etc for septic systems. After exploring the cost of repairing Booth Harbour Rd, we determined it was too expensive for us to bring the road up to county standards, and none of the neighbours ALREADY accessing their properties from that track would share in the expense, we shelved that plan.

Ms Goodbrand informed us we could deem two or more of our lots together and build our house on a larger lot, and we decided to follow that course instead, and keep three of the lots for perhaps a future sale or deeming.

Application with all relevant paperwork, etc, was made, and deeming of two of the lots, #11 and #12 was approved and signed off on July 25/22 by the county.

Jewett and Dixon prepared all necessary surveys and everything was properly registered with the proper authorities.

Architectural dwgs were produced for permit application by Scott Giles, Building Technologies Inc., and we have been obtaining costs from various trades to undertake the construction. At this point, we are only awaiting the final septic design and cost, (South Brant Excavating consulting with Dan Beaton at Cohoons), before making application for our building permit, hopefully by the end of this week. It has been a difficult period trying to get all this accomplished and the difficulty was exacerbated by covid restrictions as you are all aware.

I am sure you folks at the Planning dept can appreciate that we need really immediate understanding of what the purpose and effect of your application has on our project. Can we move forward with our plans with the expectation that we can connect to county water supply (for the one house) as we had been told? If not, are there alternatives that we can pursue, ie, well drilling or a cistern to provide household water? (At much greater cost to us). Or is everything off the table until such time as the water infrastructure project is complete?

That we have been planning this build is not new to the planning dept. We have talked and been advised by a number in your office, Nicole Goodbrand, Fabian Sera, as well as others in

zoning. We appreciate the professionalism of your staff, and the stresses they are under. I was surprised to pick up my mail last week and find that a response to your application had to be in planning's office by the 19th. Perhaps an email in addition to the letter would have allowed us more time to develop a more appropriate and thorough response.

As our understanding stands at this point, we are in opposition to this application.

Sincerely,
Tim and Veronica Urch

For the sake of clarity, here is the legal description of our property;



From: [Pat Montrose](#)
To: [DCS Planning General Email](#)
Subject: Application File Number: ZNPL2023090
Date: Monday, April 17, 2023 1:03:04 PM

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In response to Norfolk County's letter dated April 6, 2023 with respect to the public hearing date of June 6, 2023, my spouse, Robert Montrose and I, Patricia Montrose, Port Rowan agree with the application of a Holding Provision to be applied to lands within the municipally-serviceable area of Port Rowan, St. Williams, Booths Harbour to allow the time frame for the infrastructure project to be completed for reasons as outlined in the letter.

Robert Montrose

Patricia Montrose

Sent from [Mail](#) for Windows

April 16, 2023

To Norfolk County Planning Dept

From Garfield Eaton, Port Rowan

Subject : Application Number (I don't know) File Number ZNPL2023090

Dear Sir or Madam ,

I received a letter from your department on Friday April 14, 2023. This letter says there is a Public Hearing on June 6, 2023 at 3 pm in Simcoe and I question why this meeting is not held in Port Rowan which is the area impacted. This letter referred to a report "Norfolk County Servicing Monitoring Report from Sept 2022 which I could not find on the county web site. It mentions a holding provision and a specific area which I disagree with and will explain latter in this letter. Further in the letter you ask for written submissions by April 19, 2023. This can not be accomplished as I received the notice on the 14th and there is no way to read the subject report as I can not find it and then get a written response to you by this deadline. Toward the end of the letter you mention there is further information available for public inspection in Simcoe or by calling the office. Again how can I do this in this time line .

In order for me and the public to provide public input we need access to the reports and available information allowing proper time to access, review and comment. Your time line does not allow this .

I have many questions such as, where are the calculations identifying there is no capacity , what is the system design capacity and how much water is billed and from this how much is lost, how much water is being trucked off the system , who is paying bulk water rates , what is the Long Point Bay Distribution System, is water supplied to the local golf course as there is a water line across the Esso property into the golf course property. What is the proposed infrastructure project to fix the problem what is the cost and the implications to the water users. The holding zone does not make any sense to me as water is being truck off the system and supplied to development in a large radius of the system . For example properties are being developed in Long point with water holding tanks , a trailer site was just developed on the causeway to accommodate a summer trailer and with holding tanks and water will be hauled to the site. If I install a trailer for workers on my farm property I can have hauled water to it from the Port Rowan system because I am outside of the hold provision. The holding provision should be a much larger area and the amount of truck water be capped or limited. Why is capacity allowed to be hauled away it should be available for development which pays capital charges to reduce the capital cost to currently connected users??

In closing I would like to submit this as my preliminary comments and ask that the above information /questions be responded (or direct me to how I find it). I ask that you push back the April 19th date to allow the public to have a reasonable amount of time to get informed.

Yours truly, Garfield Eaton Port Rowan, [REDACTED] email [REDACTED]

Cc Tom

From: [REDACTED] >
Sent: Friday, April 14, 2023 11:27 AM
To: DCS Planning General Email <planning@norfolkcounty.ca>
Cc: Annette Helmig <Annette.Helmig@norfolkcounty.ca>; [REDACTED] >; [REDACTED]
[REDACTED] >
Subject: Planning file ZNPL 2023090

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Thankyou for the opportunity to respond to this file, concerning potential restrictions on development based on available water capacity.

Ducks Landing (Port Rowan) Inc is a land development and home building entity which has been active in Port Rowan for 20+ years.

During this time, Norfolk County has always participated in allowing us to accomplish our vision. Our Phase 2 was developed under a similar concern, at that time it was sewage treatment capacity. Norfolk's compromise was to approve registration of all 24 units in Phase 2, however to place a 1' reserve on 12 units, until treatment capacity was available. This was a very satisfactory solution.

Ducks Landing will complete housing construction in Phase 4 over the next few months. We have a total of 8 phases, all are Draft Approved, albeit subject to available water and sewer capacities.

Phase 5 consists of 13 single family lots. We have met and corresponded with Norfolk County staff on our intention to register Phase 5 this summer. A formal application from our Engineers is imminent.

We have been proceeding in good faith on anticipated approval for the registration of Phase 5. Underground servicing, curb & gutter and base hot mix asphalt are in place. Electrical servicing design is process.

Our earliest occupancy in Phase 5 would be Q2 of 2024, however anticipated building permit application would be later this summer. Ducks Landing would be willing to have a condition in the Phase 5 subdivision agreement restricting connections for 4 lots in 2024, 4 lots in 2025, balance in 2026.

We will welcome the opportunity to appear before the hearing on 6 June 2023. We trust that our development and approvals will be considered as "existing".

Thankyou
John Wiebe
President, Ducks Landing (Port Rowan) Inc

From: [Scan Technician](#)
To: [DCS Planning General Email](#)
Subject: zoning by-law ZNPL2023090
Date: Sunday, April 23, 2023 4:45:48 PM

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Good night,

A property in St. Williams is intending to build a "tiny home" on the property. Because there will be the same number of family members on the land, the water intake uses should not vary. They had received a letter from Norfolk regarding a zoning by-law revision and wanted to ensure that this would not have an impact on their project.

Given that comments were due by April 19, I am hopeful that this can still be looked at and that someone can attend the June meeting.

THANK YOU

--

AMBER HADEN | Scan Technician

True Built Displays Inc.

[REDACTED]

[REDACTED]