March 17, 2022

# A2: ADDENDUM STAFF REPORT

## DEVELOPMENT PERMIT APPLICATION:

### H/C/2015-2016/361

9328 No. 15 Sideroad

Part Lot 15, Concession 4, Town of Halton Hills, Halton Region

## SUMMARY

### PROPOSAL:

To undertake the following on an existing 39 ha (96.7 ac) lot that supports an equestrian operation:

* To recognize the conversion of a 3-storey, 1114.8 sq m (12,000 sq ft) from agricultural use to dwelling units with office space (Barn 1);
* To convert a 1-storey, 600.1 sq m (6460 sq ft) barn from agricultural use to dwelling units with office space (Barn 2);
* To construct a ± 183.6 sq m (± 1976 sq ft) accessory building (garage) attached to the existing dwelling by a breezeway and to construct a ± 603.9 sq m   
  (± 6500 sq ft) auto court;
* To construct a ± 73.4 sq m (± 800 sq ft) and a ± 122.6 sq m (± 1320 sq ft) breezeway connecting the proposed garage to the existing barns to be converted to dwelling units; and
* To install a new private sewage disposal system.

### DESIGNATIONS:

Escarpment Rural Area; Escarpment Natural Area

**ISSUE:**

Multiple dwelling units and/or overnight accommodation are not permitted within the Escarpment Rural Area designation in the Niagara Escarpment Plan (NEP). The conversion of the barns on the property for additional accommodation results in multiple dwelling units that may support overnight accommodation. There is a lack of information to comprehensively assess the proposal. Additionally, the development has already occurred and there has been more than one instance of non-compliance on the property.

### RECOMMENDATION:

Refusal

### REASONS:

1. Multiple dwellings units and/or overnight accommodation (other than a bed and breakfast) are not permitted uses within the Escarpment Rural Area, per Part 1.5.3 of the Niagara Escarpment Plan.
2. The proposal is not consistent with the Objectives of the Escarpment Rural Area.
3. The proposal conflicts with the agricultural policies in Section 2.3 of the Provincial Policy Statement.
4. The proposal conflicts with the Town of Halton Hills and Region of Halton Official Plans.
5. Town of Halton Hills and Region of Halton staff do not support the application.
6. The application has already been deferred once, and since it is a contravention, should not be deferred again in accordance with the Commission Meeting Procedures.

## RECEIVED:

Feburary 5, 2016

## SOURCE:

REDACTED and REDACTED (applicant and owner)

Thomas M. Arnold, Arnold, Foster LLP Barristers & Solicitors (agent)

## DISCUSSION:

This report is an addendum to a report presented to the Niagara Escarpment Commission on November 18, 2021, for Development Permit Application H/C/2015-2016/361. A copy of the original staff report is attached as Appendix 1. The application proposes to recognize the conversion of a barn from agricultural use to additional accommodation and office space, convert a second barn for the same purpose, construct a garage and auto-court, construct multiple breezeways connecting the buildings, and install a new private sewage disposal system at an equestrian operation known as Halton Place. The application was submitted as an “extension to the single dwelling”, however it is noted that additional accommodation will also be used for riders and trainers. It is therefore assumed that the space would be used for short or long-term accommodations for the riders and trainers. The November 2021 staff report contains a detailed history of the property and planning analysis of the proposal.

At the November 2021 meeting, the Commission deferred a decision on the application to allow the applicant more time to provide additional information. The staff report outlined a number of areas where staff do not have enough information to fully assess the proposal. These areas include uncertainties relating to what development has already occurred versus what development is proposed, lack of information on the septic system and a hydrogeological study to support the system, and lack of clarity on the floor plans and how much space would be dedicated to which uses.

At the applicant’s request, the application was deferred to the March 2022 meeting. It was expected that this would provide sufficient time for the applicant to prepare additional details and for staff and agencies to review these details. No further information has been received from the applicant. The applicant has stated that the revised and additional plans and studies are underway, but the timeline is still uncertain.

The contents and planning analysis and staff’s recommendation as outlined in the November 2021 staff report remain unchanged. NEC staff remain of the opinion that the development should be refused, as multiple dwelling units and/or overnight accommodation is not a permitted use in the Escarpment Rural Area, the proposal conflicts with the agricultural policies in the Provincial Policy Statement, and the proposal conflicts with the Town of Halton Hills and Region of Halton Official Plans.

NEC staff note that unless there are revisions to the application, additional information would not change staff’s recommendation. The use of the barns as multiple dwelling units and/or overnight accommodation is not permitted under the policies of the NEP. However, there are some aspects of the proposal that may be permitted, subject to additional information and study (i.e., garage and auto-court accessory to a single dwelling or agricultural use, septic system associated with a permitted use, office space as a home occupation, on-farm diversified use, or agriculture-related use). These proposed uses could be considered through a new application that provides additional information, and would have to considered against policies related to the cumulative impacts of development. It is also understood that the applicants may have been proposing revisions based on the concerns outlined in the November 2021 report.

Despite potential revisions, the conversion of at least one of the barns to a use that is not permitted has already occurred. The application was brought before the Commission in November 2021 despite a lack of information due to the amount of time that has passed, lack of information from the applicant, and because there is an outstanding issue of non-compliance.

It is important to note that the Commission Meeting Procedures allow for only one deferral in the case of applications dealing with items already in contravention. Since the application has been deferred once, it is recommended that the Commission now make a decision in accordance with the Meeting Procedures.

## RECOMMENDATION:

That the Commission **refuse** the application for the following reasons:

1. Multiple dwellings units and/or overnight accommodation (other than a bed and breakfast) are not permitted uses within the Escarpment Rural Area, per Part 1.5.3 of the Niagara Escarpment Plan.
2. The proposal is not consistent with the Objectives of the Escarpment Rural Area.
3. The proposal conflicts with the agricultural policies in Section 2.3 of the Provincial Policy Statement.
4. The proposal conflicts with the Town of Halton Hills and Region of Halton Official Plans.
5. Town of Halton Hills and Region of Halton staff do not support the application.
6. The application has already been deferred once, and since it is a contravention, should not be deferred again in accordance with the Commission Meeting Procedures.

## Prepared by: Approved by:

Original signed by: Original signed by:

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Cheryl Tansony Kim Peters, MCIP, RPP

Senior Planner Manager

Appendix 1 – November 2021 Staff Report and Appendices

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# Niagara Escarpment Commission

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November 18, 2021

# A2: STAFF REPORT

## DEVELOPMENT PERMIT APPLICATION:

### H/C/2015-2016/361

9328 No. 15 Sideroad

Part Lot 15, Concession 4, Town of Halton Hills, Region of Halton

## SUMMARY

### PROPOSAL:

To undertake the following on an existing 39 ha (96.7 ac) lot that supports an equestrian operation:

* To recognize the conversion of a 3-storey, 1114.8 sq m (12,000 sq ft) from agricultural use to dwelling units with office space (Barn 1);
* To convert a 1-storey, 600.1 sq m (6460 sq ft) barn from agricultural use to dwelling units with office space (Barn 2);
* To construct a ± 183.6 sq m (± 1976 sq ft) accessory building (garage) attached to the existing dwelling by a breezeway and to construct a ± 603.9 sq m (± 6500 sq ft) auto court;
* To construct a ± 73.4 sq m (± 800 sq ft) and a ± 122.6 sq m (± 1320 sq ft) breezeway connecting the proposed garage to the existing barns to be converted to dwelling units; and
* To install a new private sewage disposal system.

### DESIGNATIONS:

Escarpment Rural Area; Escarpment Natural Area

**ISSUE:**

Multiple dwelling units and/or overnight accommodation are not permitted within the Escarpment Rural Area designation in the Niagara Escarpment Plan (NEP). The conversion of the barns on the property for additional accommodation results in multiple dwelling units that may support overnight accommodation. There is a lack of information to comprehensively assess the proposal. Additionally, the development has already occurred and there has been more than one instance of non-compliance on the property.

### RECOMMENDATION:

Refusal

### REASONS:

1. Multiple dwellings units and/or overnight accommodation (other than a bed and breakfast) are not permitted uses within the Escarpment Rural Area, per Part 1.5.3 of the Niagara Escarpment Plan.
2. The proposal is not consistent with the Objectives of the Escarpment Rural Area.
3. The proposal conflicts with the agricultural policies in Section 2.3 of the Provincial Policy Statement.
4. The proposal conflicts with the Town of Halton Hills and Region of Halton Official Plans.
5. Town of Halton Hills and Region of Halton staff do not support the application.

## RECEIVED:

February 5, 2016

## SOURCE:

REDACTED and 819743 Ontario Inc. (applicant and owner)

Thomas M. Arnold, Arnold, Foster LLP Barristers & Solicitors (agent)

## PROPOSAL:

To undertake the following on an existing 39 ha (96.7 ac) lot that supports an equestrian operation:

* To recognize the conversion of a 3-storey, 1114.8 sq m (12,000 sq ft) from agricultural use to dwelling units with office space (Barn 1);
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* To construct a ± 73.4 sq m (± 800 sq ft) and a ± 122.6 sq m (± 1320 sq ft) breezeway connecting the proposed garage to the existing barns to be converted to dwelling units; and
* To install a new private sewage disposal system.

## SITE DESCRIPTION:

The 39 ha (96.7 ac) subject property is located on the east side of 22 Sideroad between Third Line and Fourth Line in the Town of Halton Hills. It is designated as Escarpment Rural Area and Escarpment Natural Area in the Niagara Escarpment Plan (NEP). Existing development and the area of proposed development is situated within the Escarpment Rural Area designation. The property is located 250 metres east of the mapped Escarpment Brow and approximately one kilometre east of the Bruce Trail.

The subject lands contain a tributary to Sixteen Mile Creek, which traverses the property from west to east and is buffered by a wooded area. The existing and proposed development is located north of the Sixteen Mile Creek tributary and consists of flat topography.

The site supports an equestrian operation, which includes the boarding, breeding, and training of horses. The operation has been extensively expanded since it was first established in 1989. A description of the history of the property will follow in the next section. The existing development on the property includes: a single dwelling, an accessory swimming pool and gazebo, an existing three-storey barn (converted to dwelling units) (Barn 1), a 600.15 sq m (6,460 sq ft) barn (proposed to be converted to dwelling units) (Barn 2), two additional barns totaling 2703.33 sq m (29,098.34 sq ft) that are connected to a 1612.8 sq m (17,360 sq ft) riding arena, numerous sheds, run-in shelters, sand rings, and paddocks, and a parking lot.

## BACKGROUND:

### Establishment of the Equestrian Operation

The Halton Place property has been subject to numerous Development Permit Applications since its establishment in the late 1980s. The full list of applications and details on whether the Development Permits were issued can be found in Appendix 2.

The equestrian operation on the property was first established in 1989 when the applicant purchased the property. The property had previously been used as a hog operation. The first NEC Development Permit (#4244/H/A/1989-1990/342) was issued for the property in 1990 to recognize the demolition of the hog barns and the construction of several berms and associated grading. Throughout the 1990s, numerous applications were received to establish the equestrian operation. These applications included proposals to establish a private horse stable, riding arena, and storage barns (#4603/H/A/1990-1991/136, #5762/H/A/1996-1997/049, and H/A/1996-1997/193). The Niagara Escarpment Commission (the Commission) had concerns with these initial applications due to the scale of the proposed operation. The initial application to establish the equestrian operation (H/A/1990-1991/136) was refused by the Commission. The application was appealed by the property owner and ultimately approved by the Minister of Environment.

By the end of the 1990s, the equestrian operation had been established, the former hog barn had been converted to a hay storage barn, and the riding arena had been constructed. In the early 2000s, two applications (#7044/H/A/2000-2001/121 and #8215/H/A/2003-2003/349) were submitted to expand the equestrian operation through the construction of additional barns and a stable. The former hog barn converted to hay storage, and the stable, are the two buildings that are proposed to be converted for additional accommodation for the subject application.

The first application for an event on the property was submitted in 1996. Development Permit #5755/H/A/1996-1997/065 approved the Oktoberfest Country Classic Horse Show and associated temporary facilities (i.e., tents, washrooms, signs) to run each year in 1996, 1997, and 1998. Two additional applications (#8216/H/A/2004-2005/114 and #8217/H/A/2004-2005/115) were submitted for three-day horse show events in the fall of 2004.

### Unauthorized Development

In September 2005, NEC staff became aware of non-equestrian events being hosted on the property. NEC staff received complaints regarding the use of the property as a corporate retreat centre or banquet facility from neighbouring landowners. The Halton Place website included advertisements for these uses that were unrelated to the equestrian use, including wedding banquets, parties, wine tastings, conferences, and seminars.

Further to these events, a BMX bike track was constructed on the property in the summer of 2006 without authorization of a Development Permit. The BMX track was not considered a permitted use under the Niagara Escarpment Plan (NEP) and as such an application to amend the NEP was submitted. This application was refused, as a BMX track was deemed to be an urban use. The proposed NEP amendment therefore could not be made until the time of the next NEP review. A restoration order was ultimately issued in May 2008 for the removal of the track, which has since been removed. The application generated significant interest from the community. There were numerous letters from both neighbours who did not support the track, and from the BMX community in support of the track. Additionally, the BMX community recognized the track as a monument to a rider who had lost his life during its construction. Although the track was removed, the NEC supported the installation of a monument to be constructed in its place.

### Halton Place Comprehensive Plan

Development Permit Application H/R/2005-2006/222 was submitted in October 2005. This application proposed to convert an existing attached garage to living space, construct a 513 square metre addition to the dwelling, and to convert the existing three- storey barn (former hog barn and used at the time for hay storage) to living space. NEC staff were concerned about the proposal due to the size of the resulting dwelling, that the renovation could result in multiple dwelling units, which would not be permitted, and that the former barn could be used as weekend/tourist accommodations. Staff at the time had recommended approval, subject to conditions of approval. The conditions included detailed floor plans to demonstrate that there would only be one dwelling unit and an Agreement on Title requiring that that expansion did not result in additional dwelling units, apartments, or use of the bedrooms and residential facilities as accommodation for the public as guest rooms or as sleeping accommodation.

This application was deferred by the Commission several times to allow staff time to investigate the commercial events being hosted on the property and the construction of the unauthorized BMX track. The application was conditionally approved by the Commission in June 2006 with a condition stating that the events and non-permitted uses being advertised on the Halton Place website were to be removed. The condition was not fulfilled within the specified timeframe and a Development Permit was not issued.

This application for the residential expansion continued to be deferred, as the Commission was not prepared to issue a decision until the concerns regarding the social events and BMX track were resolved. The NEC had requested a Comprehensive Plan be submitted for the property that addressed the agricultural and equestrian uses, non-equestrian related events, the plans for residential expansion, and the future uses for the property. All Development Permit Applications were to be reviewed in a comprehensive package and all outstanding Building Permit matters were to be resolved (there are multiple buildings on the property that have not received Building Permits) before a decision was made on the new application. A plan was submitted in early 2010, however the NEC was not satisfied with the level of detail provided. Additionally, facilities were included that had never been discussed. The facilities included a clubhouse and a building for international competition stabling as well as the unauthorized BMX track. There was no NEC staff or Commission endorsement of this plan and the Development Permit for the dwelling expansion was not issued.

### Continuation of Events

More applications for events that continued to increase in intensity were received throughout the mid-2000s. Around this time, neighbouring property owners began to file noise and traffic complaints relating to the events. Many of the applications for events that were approved by the Commission were appealed. Between 2000 and 2009, eight applications for events were received. Of these events, the following were approved: two events totaling eight days in 2004, five events totaling 29 days in 2007, six events totaling 30 days in 2008, and eight events yearly in each of 2009, 2010, and 2011. The events ranged in scale from approximately 1500 people, 150 cars, and 50 trailers to 5000 people, 400 cars, and 200 trailers. The events also included the placement of portable washrooms, a sound amplification system, and food and beverage sales. As part of the application for the yearly events in 2009, 2010, and 2011, a noise study, traffic study, and Nutrient Management Strategy were required. Municipal Site Plan Approval had been received in April 2010.

Many of the events were horse shows that were directly related to the equestrian operation. However, in the summer of 2007, two events not related to the equestrian operation were proposed. The first was a BMX event, which proposed to use the unauthorized BMX track. This application was refused by the Commission, as the track itself had not been approved and was not permitted. The second was a dog agility show. Although not directly related to the equestrian operation, NEC staff at the time considered it to be of similar intensity to the horse shows.

In 2011, an application was submitted for unlimited events from May to October from 2011 onward (H/A/2010-2011/247). The proposal included the events themselves, a new riding ring, portable toilets, water and handwash stations, food and beverage tents, temporary horse stabling, amplification equipment, and permission for the owners, riders, and trainers to stay in their trailers overnight. There was no limitation on the timing of the events or dates proposed. The application was refused by the Commission on the basis that it was not consistent with the objectives of the Escarpment Rural Area, was not a permitted use in this designation, conflicted with the relevant NEP Part Two Development Criteria, conflicted with the Provincial Policy Statement, and conflicted with municipal planning documents. The refusal was appealed by the property owner. The Niagara Escarpment Hearing Office confirmed the decision of the NEC to refuse the application, noting that the proposed equestrian events had taken on the character of commercial or recreational sporting events.

A subsequent application for three events in 2011 (H/A/2011-2012/001) was also refused due to the increasing intensity of the use. The previous events on the property had demonstrated land use incompatibility issues. NEC staff were of the opinion that the events on the property were becoming a permanent recreational or commercial use and had concerns about cumulative impact, given the increasing frequency and intensity of events. The decision was not appealed. No further applications for events have been submitted.

## CURRENT PROPOSAL CONTEXT:

The current application for the conversion of the two barns for additional accommodation was received in 2015. After receiving this application, NEC staff became aware that at least part of the work had already been completed. It is unclear in the submitted Development Permit Application (DPA) what work has already taken place and what work is proposed. The application contains:

1. Development Permit Application form,
2. Site plan and floor plan drawings, dated December 2015
   1. Proposed site plan
   2. Existing site plan
   3. Building cluster plan (upper floor)
   4. Building cluster plan (lower floor)
   5. Building cluster plan (roof)
3. Email dated October 28, 2019 with additional dimensions for the buildings.

NEC staff have requested additional information from the landowner and his agent on multiple occasions to better understand details of the proposal and unauthorized works. Furthermore, NEC staff have requested that the DPA clarify the as-built development and proposed development and this information be clearly labelled on the drawings. Given that several years have passed and the applicant has not provided the requested information, the application is before the Commission for a decision, and refusal is recommended.

The first barn (“Barn 1”) is three storeys and approximately 1114.8 sq m (12,000 sq ft). The barn has been on the property since before the current owner purchased the property and was used in the hog operation. It was later converted for hay storage. NEC staff are aware that this barn has been converted to a non-agricultural use.

The second barn (“Barn 2”) is one storey and approximately 600.1 sq m (6460 sq ft). It was originally approved as a stable, however its current and previous uses remain unclear. An NEC staff report from 2007 identifies that the building has been finished with wood floors, drywall, large frame windows, wall light fixtures, and chandeliers. The applicant had explained that the building was used for personal and equestrian-related storage, including an antique car collection. There have also been claims from neighbours and within a local newspaper that this barn was used as a banquet hall. NEC staff note that the floor areas provided above may not be accurate, as Town of Halton Hills staff note that the numbers provided on the application form do not match their Building Permit records.

In addition to the barn conversions, the applicant is proposing to construct a new garage and motor court. The garage would be attached to the dwelling by a new breezeway. A second breezeway would be constructed to connect the garage to Barn 1 and a third breezeway would be constructed to connect Barn 1 to Barn 2.

Using the numbers provided on the application form and in the email from the agent sent in October 2019, the existing dwelling, proposed garage, two converted barns, and proposed breezeways would equal approximately 2437.4 sq m (26,236 sq ft). The applicant had stated that 20 percent of the area would be used for a home office. The total floor area on the October 28, 2019 email correspondence did not include Barn 2, however it was estimated that 429.5 sq m (4624 sq ft) would be used for the home office and 1718.3 sq m (18,496 sq ft) for accommodation. NEC staff estimate that 1949.9 sq m (20,988.8 sq ft) would be used for accommodation and 487.4 sq m (5247 sq ft) would be used for office space with the floor area of Barn 2 included. These buildings have been labelled on the drawings provided in Appendix 1.

As previously noted, compliance staff at the NEC and Town of Halton Hills staff are aware that the conversion of Barn 1 has already occurred. Town of Halton Hills Building Department staff contacted the NEC in February 2016 to inform NEC staff that extensive alterations to Barn 1 had occurred within all three storeys. Based on the Town’s records, the floor plans provided as part of the DPA do not match the as-built floor plans. The Town’s records show at least 13 bedrooms, six washrooms, a kitchen, great room, and laundry facilities in Barn 1. The floor plans for Barn 1 submitted with the application show ten bedrooms, six washrooms, one kitchen, laundry facilities, one reception room, office space, work and meeting rooms, and storage space. As such, it is unclear whether the provided floor plans represent the current plans for the building or what is proposed.

Town records show that Barn 2 has been converted from a building originally intended for an agricultural use to a finished assembly building (i.e., a meeting or banquet hall)., The Town has no information relating to the conversion of this building to dwelling units with office space. No floor plans have been provided for Barn 2. No details have been provided on how the office space would be used. For example, it is unclear if it is associated with the equestrian operation or if a new use is being proposed.

A Building Permit was issued by the Town for the private sewage disposal system in 2004. The system was designed to service the existing and future buildings and uses for the property that were proposed at the time, including the existing dwelling, office areas, barns, and proposed outdoor functions. The Town’s records indicate that the installation of the system has not been completed. A new septic system is thus proposed and would likely need to be redesigned to accommodate the extent of the proposed and unauthorized development. A detailed sewage disposal system design has not been provided.

It is therefore unclear how many residential units and which facilities have already been constructed within the existing barns and what exactly is proposed through this DPA. It is uncertain how much of the space would be dedicated to a residential use, home office or occupation, agricultural use, or commercial use. In terms of the proposed use, the applicants have submitted this application as an “extension to the single dwelling”. However, it is noted that the additional accommodation will also be used for riders and trainers, although no additional information has been provided about how the riders and trainers would use the space. It is assumed that the space would be used for short or long-term accommodation for the riders and trainers. As will be discussed below, the proposal does not meet the definition of any permitted use within the Escarpment Rural Area.

## PLANNING ANALYSIS:

### Niagara Escarpment Plan, 2017 (NEP)

### NEP Part 1: Land Use Designations

The subject property is designated as Escarpment Rural Area and Escarpment Natural Area by the Niagara Escarpment Plan, 2017 (NEP). All existing and proposed development is located within the Escarpment Rural Area.

Part 1.5.1 of the NEP lists the objectives of the Escarpment Rural Area designation. The following objectives are relevant to this application:

1. To maintain and enhance the scenic resources and open landscape character of the Escarpment.

4. To provide for compatible rural land uses.

5. To encourage agriculture and protect agricultural lands and prime agricultural areas

6. To provide a buffer for ecologically sensitive areas of the Escarpment.

Past concerns about the intensity of uses on the site are indicative that additional development may not be suitable for the site. As will be discussed, NEC staff find that the as built and proposed barn conversion is not a permitted use in the Escarpment Rural Area or within Prime Agricultural Areas. The presence of multiple dwelling units and/or large-scale overnight accommodation is not a compatible rural land use and is not appropriate for prime agricultural lands. Furthermore, a new private sewage disposal system would be required. The existing system and proposed location for the new system is in close proximity to a watercourse and wetland and within a Significant Groundwater Recharge Area. It is unclear whether there is a sufficient buffer to these ecologically sensitive areas. A hydrogeological investigation would be required to determine the impact of an expanded septic system. NEC staff are of the opinion that the proposal is not consistent with the Objectives of the Escarpment Rural Area.

NEC staff have assessed the proposal against a number of the listed permitted uses in Part 1.5.3 of the NEP to determine whether the proposed conversion of the barns could be considered a permitted use in the Escarpment Rural Area.

Single dwelling

A single dwelling is defined in the NEP as *a separate building containing not more than one dwelling unit and may include a chalet, cottage, mobile home or group home.*

A dwelling unit is defined in the NEP as *one or more habitable rooms with a private entrance and designed for the use of one household in which sanitary and kitchen facilities are provided for the exclusive use of such household*.

The expansion for additional accommodation is proposed across three separate buildings: the existing dwelling, Barn 1, and Barn 2. These buildings are not directly attached to the existing dwelling or each other and are proposed to be connected only by breezeways. NEC staff consider each of these buildings as stand-alone structures and do not consider the connection of buildings by breezeways as creating one larger building. Furthermore, Town of Halton Hills Building Services staff commented that under the Building Code, multiple buildings cannot be considered as one single dwelling when connected by walkways or breezeways. The purpose of a walkway is to provide a passageway between separate buildings and is not meant to join one or more buildings in order to create a larger building with a combined floor area. As such, each building must be considered separately.

It is unclear whether the provided floor plans are existing (to be recognized since the work was unauthorized) or proposed. As such, it is unclear how many dwelling units are proposed in each building. The existing dwelling, Barn 1, and Barn 2 would each contain at least one dwelling unit, given the presence of multiple bedrooms, a kitchen, sanitary facilities, and a private entrance. Based on the above, the proposal cannot be considered as a single dwelling or single dwelling unit.

In addition to the structures themselves not meeting the definition of a single dwelling or dwelling unit, it is unclear whether the use of the structures would comply with these definitions. The definition of a dwelling unit includes that the unit is designed for the exclusive use of one household. A household is defined as *one or more persons living as a single housekeeping unit in one dwelling unit*. As noted on the application form, riders and trainers would stay in the barn dwelling units. It is unclear what the arrangement would be, however it appears that this use may be commercial in nature and would not be considered as for the exclusive use of one household.

Secondary dwelling unit

As described above, the proposal appears to include multiple dwelling units throughout all three structures. While a secondary dwelling unit is a permitted use in the Escarpment Rural Area, the proposal does not meet the Development Criteria for such a use. A secondary dwelling unit must be contained wholly within the existing dwelling or an addition the dwelling. Each barn is considered a separate structure, detached from the existing dwelling. There are more than two dwelling units proposed and it does not appear that any dwelling unit is subordinate in size to the principal single dwelling.

Mobile or portable dwelling unit(s) accessory to agriculture

As the property does contain an agricultural use (equestrian operation), a mobile or portable dwelling unit accessory to agriculture may be permitted. A temporary unit may also be permitted within an existing farm building, where appropriate. The applicant has not stated any intention to use the barns for the purpose of farm help, nor has demonstrated that additional farm labour is required on a full-time or seasonal basis.

Bed and breakfast

A bed and breakfast is defined in the NEP as *accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public within an existing single dwelling that is the principal residence of the proprietor. A bed and breakfast in an existing single dwelling of local heritage value or interest must retain the features that cause it to be designated of local heritage value or interest*.

There is no indication that this is the desired use of the barns by the applicant, however NEC staff have included it in the analysis since the application notes that riders and trainers would stay on the property. The proposal does not meet the definition of a bed and breakfast, as it is not proposed within an existing single dwelling. As discussed above, the proposed conversion of the two barns would constitute multiple dwellings units.

Agriculture-related use and on-farm diversified use

These permitted uses have been included on the list due to the nature of the equestrian operation and the history of the uses on the property. While this application specifically addresses the conversion of the barns for additional accommodation, it is important to consider the history of the property and context of the application, given that riders and trainers are proposed to stay in these converted buildings.

An agriculture-related use is defined in the NEP as a *farm-related commercial and farm-related industrial use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.*

An on-farm diversified use is defined as a *use that is secondary to the principal agricultural use of the property and is limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.*

NEC staff are unclear as to whether and how the current application may be related to the agricultural use on the property. It is unclear whether the space would be used as dwelling space for the property owner’s family, short-term rentals, boarding or lodging, etc. From the information provided, it is assumed that the additional accommodation would be used for short and/or long-term accommodation for riders and trainers. It appears that the proposed living area expansion is not directly related to or providing any services to farm operations in the area as a primary activity. Two of the three barns on the property would be converted from an agricultural use to another use and thus it is unclear if the conversion of the barns to additional accommodation can be considered as secondary to the principal agricultural use. However, it is possible that the office space within the barns could be considered as an agriculture-related use or on-farm diversified use. More information would be required to determine whether these definitions and the Development Criteria are met.

Recreational uses

Recreational development is defined as *those activities and associated tourism facilities designed to provide recreational and tourism opportunities for the use of local residents and the travelling public*. It is unclear if the proposal is related to recreational and tourism opportunities. The NEC’s urban use policy considers hotel-type establishments to be an “urban use” and therefore not permitted in Escarpment Rural Area. However, within the Escarpment Rural Area, recreational uses are only permitted outside of prime agricultural areas. The property is designated as within a Prime Agricultural Area based on the Agricultural Land Base for the Greater Golden Horseshoe mapping and as such recreational uses are not permitted.

Home occupation

A home occupation is defined as *an occupation that provides a service as an accessory use within a single dwelling, in an addition to the dwelling, or in an accessory facility, performed by one or more residents of the household on the same property*. A home office has been proposed as part of the proposal. There have been no further details provided to determine whether it would be considered a home occupation. It is unclear if the use is related to the equestrian operation on the property or another separate use and whether the home occupation would be operated by a resident of the household. Additionally, home occupations are normally limited to 100 sq m, or 25 percent of the floor area of the dwelling, whichever is less.

In summary, NEC staff are of the opinion that the conversion of the barns to additional accommodation does not meet any the definitions of the permitted uses and therefore is not permitted. Without further details about how the space would be used, it is unclear how the use may be classified. Based on the description of using the space for trainers and riders and the floor plans showing multiple dwelling units and bedrooms, it appears that the space may function as an overnight accommodation facility.

### NEP Part 2: Development Criteria

The Development Criteria in Part 2 of the NEP are only considered in relation to permitted uses. However, given that some of the development has already occurred and there are technical concerns, NEC staff have highlighted the technical concerns below.

Part 2.2 of the NEP contains the General Development Criteria. Given the history of events and horse shows on the property and the increasing intensity of this use in the past, NEC staff are concerned with the impact of successive development on the Escarpment environment. It is proposed that trainers and riders use the additional accommodation within the barn. It is therefore uncertain whether the use relates to the everyday operations of the equestrian use or if it is related to a future proposed use that has not yet been evaluated by the NEC. As noted above, NEC staff do not consider the conversion of the barns to additional accommodation a permitted use under the NEP. However, any further development on the property must consider the impact of successive development on the Escarpment environment in the context of this property. Further details would be required to assess the home occupation Development Criteria.

Part 2.6 and 2.7 of the NEP contain the Development Criteria for water resources and natural heritage features, respectively. The main concern in this regard is the impact of private servicing. While the development is not proposed within the key natural heritage features on the property and is largely contained within existing buildings, the sewage disposal system is located in close proximity to a watercourse and wetland and within an area regulated by Conservation Halton. This area is also mapped as a Significant Groundwater Recharge Area. A detailed septic design has not been provided and thus the exact footprint of the proposed system, and the setbacks to these features, is unknown. The Town of Halton Hills commented that although a Building Permit was issued for the existing system, records indicate that the installation of the system has not been completed to date. As such, the existing system is not adequate for the currently approved structures and uses on the property and moreover would not be adequate for the expansion for additional accommodation. A new system would be required to accommodate the expansion, and due to the number of fixtures and resultant volume of effluent, it is likely that approval from the Ministry of Environment, Conservation and Parks (MECP) would be required for the system. NEC staff would require a hydrogeological study to ensure there is no impact on the quality of groundwater and that additional accommodation could be supported by private services. It would also need to be demonstrated that there is an acceptable water supply.

Part 2.8 of the NEP contains the Development Criteria for agriculture. Based on the information provided, NEC staff do not consider the additional accommodation as an agricultural use, dwelling units accessory to agriculture, agriculture-related use, or on-farm diversified us. The property is designated as within a prime agricultural area. It does not appear that the proposed use is appropriate for prime agricultural areas or that it would ensure the long-term protection of prime agricultural areas.

Part 2.13 of the NEP contains the Development Criteria for scenic resources and landform conservation. While most of the physical development has already occurred, the breezeways, garage, and auto court would add additional built form. This development would all be located within the building cluster and would be screened by vegetation at the property line, however there would be an extensive footprint and the connection of all these buildings through breezeways could have the effect of making the structures appear larger.

### Provincial Policy Statement, 2020 (PPS)

Section 2.3 of the PPS states that Prime Agricultural Areas shall be protected for long-term use for agriculture. The area of proposed development is designated as within a Prime Agricultural Area. The proposed building conversion intensifies use of the property, and there is not enough information to determine how the conversion is directly related to agriculture. Part 2.3.3.1 of the PPS lists the permitted uses within prime agricultural areas. The proposed use does not fall under the definitions of agricultural uses, agriculture-related uses, or on-farm diversified uses.

The Ministry of Agriculture, Food and Rural Affairs (OMAFRA)’s Guidelines on Permitted Uses in Prime Agricultural Areas help to interpret the agricultural policies of the PPS. The Guidelines list examples of what would not be considered an on-farm diversified use or agriculture-related use. Uses with high water and sewage needs and/or that generate significant traffic (including banquet halls), hotels, and large-scale recurring events with permanent structures are listed as not meeting the criteria for on-farm diversified uses. Recreational uses and facilities, conference centres, hotels, and guest houses are listed as not meeting the criteria for agriculture-related uses. The proposal is not consistent with Section 2.3 of the PPS or the Guidelines.

Section 2.1.1 of the PPS identifies that natural heritage features and areas shall be protected for the long-term. Additional details regarding the proposed sewage disposal system are required to determine if the requirements for an environmental impact assessment can be waived. It is not clear if natural heritage features would be adequately protected and therefore Section 2.2.1 of the PPS is not satisfied at this time.

Section 2.2.1 of the PPS states that planning authorities shall protect, improve or restore the quality and quantity of water*.* A portion of the site is mapped as within a Significant Groundwater Recharge Area, which generally overlaps with the watercourse and Regional Natural Heritage System. The area of proposed development is north of the Significant Groundwater Recharge Area. Further details regarding the proposed sewage disposal system and a hydrogeological study would be required to affirm that Section 2.2.1 of the PPS has been met.

### Region of Halton Official Plan

The subject property is primarily designated as Agricultural Area, but a portion of the site is also designated as Regional Natural Heritage System (RNHS) of the 2009 Regional Official Plan (ROP). The residential component of the application is not in conformity with the policy direction of the Regional Official Plan.

### Town of Halton Hills Official Plan

The subject property is designated ‘Escarpment Rural Area’ under the Town of Halton Hills Official Plan, which permits agricultural operations, existing uses, one single detached dwelling and a number of other uses consistent with rural area of the municipality. The proposed residential (or overnight accommodation) units proposed within the barns are not permitted under the Town’s Official Plan.

## AGENCY CONSULTATIONS:

### Town of Halton Hills

The proposed conversion of the two barns from agricultural use to dwelling units is not supported by the Town’s Official Plan. The additional residential spaces within the barns cannot be considered an expansion to the existing dwelling by connecting them with breezeways. Accessory residential uses on farm properties are only permitted provided they are designed to be mobile or portable and are required for bona fide farm help for a commercial farm operation. The residential units are not mobile or portable and have not been demonstrated as being required for farm help. Additionally, non-traditional rural uses or private recreational uses, residential dwelling units or overnight accommodation uses shall not be permitted.

Town staff note that it is unclear which facilities will be provided within the two barns and what types of residential occupancy or how many residential units are proposed. It should be clarified if the proposed office space would be used as a separate business occupancy, subsidiary to the proposed residential use, or as part of a live/work unit.

Each building on-site containing residential dwellings units is classified as a stand-alone structure and cannot be connected as one single dwelling through the use of walkways under the Building Code. A walkway is not meant to join two or more buildings in order to create one larger building with one floor area.

Building Service’s records show that the work within the multi-storey barn includes the creation of 13 bedrooms, 6 washrooms, kitchen, great room and laundry facilities situated on several floor levels including the basement. Work within the one-storey storage barn has been converted from a building originally intended for agricultural use to a finished assembly building. Additionally, the addition connecting the multi-storey barn to the riding arena was illegally constructed. There has also been alteration work within the U-shaped storage barn.

A Building Permit was issued for the construction of a new septic system in 2004, which was designed to service the existing and future buildings/proposed uses for the entire property. The septic tanks were installed and are now being used as holding tanks (contrary to the building permit documentation and the Ontario Building Code). A new septic system would be required and the anticipated daily sewage flow from all buildings containing plumbing will exceed 10,000 L per day.

### Region of Halton

The subject property is mapped within the 2009 Regional Official Plan as being designated as Agricultural Area and Regional Natural Heritage System (RNHS). The location of the existing barns and proposed links are located within the Agricultural Area designation. This area falls within the Prime Agricultural Area. The lands that fall within the RNHS are also mapped as containing Key Natural Heritage Features. A portion of the site is mapped as Significant Groundwater Recharge Area, which generally overlaps with the watercourse and Regional Natural Heritage System area.

Floor plans were only provided for one of the two barns, so it is unclear how many additional dwelling units have been created. It is also unclear how often the dwelling units in the converted barns are occupied, how the residential component of the proposal is linked to the agricultural operation, and whether the proposed motor court/garage is for the primary residents or for those staying in the converted barns. Lastly, the provided information does not speak to whether the proposed new septic system is required for the primary residence on the property, for the residential units in the converted barns or a combination of those uses.

Development within 120 metres of the RNHS requires the completion of an Environmental Impact Assessment (EIA). The private servicing needs/capacities for the additional dwelling units is not fully understood at this time to know if further study related to natural heritage would be warranted. Conservation Halton comments should be addressed to their satisfaction.

The policies for Prime Agricultural Areas speak to the preservation of Prime Agricultural Areas and recognize agriculture as the primary activity. Non-farm uses are to be directed to the Urban Areas, Hamlets and Rural Clusters.

Single detached dwellings are limited one permanent dwelling per lot, unless the residential use is accessory to agriculture. Dwelling units accessory to an agricultural operation must be mobile or portable with the Niagara Escarpment Plan Area. Bed and breakfast establishments are permitted, but are restricted to three or fewer guest bedrooms. The dwelling units are not for farm labour, are not mobile or portable and are not part of a bed and breakfast operation and thus the residential component of the application is not in conformity with the policy direction of the Regional Official Plan.

There are technical concerns with this proposal that have not been satisfactorily addressed. The additional residential accommodation on this property would rely on private well and septic services. Any development proposal that has the potential to release or discharge contaminants to affect the quality of groundwater is subject to review by the Region to assess the impacts to the groundwater or the water supply which adjacent properties rely upon. The proponent may be required to carry out a hydrogeological study to the satisfaction of the Region and implement its recommendations, which may result in a prohibition or restriction of the proposed use or an agreement to adopt best management practices a prescribed by the Region. Regional Health records reference information provided to Health Department staff in 2015 which indicated that drinking water was not provided to the public at that time. If this has changed, the study would need to demonstrate there is an acceptable water supply.

### Conservation Halton

The subject property is traversed by the Middle Branch of Sixteen Mile Creek and contains flooding and erosion hazards associated with this watercourse. The property also contains a wetland greater than two hectares in size, and a wetland less than two hectares in size.

The 600.1 square metre barn conversion and associated link from the “existing shed” are outside the CH regulated area. The other proposed works include the proposed garage, courtyard, breezeways, and private sewage disposal system. These features are located within between 30 and 120 metres of a wetland greater than 2 ha in size and are located within the CH regulated area. A CH permit will be required.

The existing and proposed private sewage disposal system must be clearly labelled on the site plan. A hydrogeological evaluation may be required to support the proposed private sewage disposal system, otherwise its location may need to change. CH staff require additional information to confirm if the location of the proposed private sewage disposal system meets CH policy.

## DISCUSSION:

NEC staff understand that the applicants are proposing to: recognize the conversion of a barn previously used for agricultural storage for additional accommodation and office space (Barn 1); convert a second barn for this same purpose (Barn 2); construct a new garage and auto court; construct multiple breezeways to connect these structures; and install a new sewage disposal system. There are gaps in the information submitted as part of the Development Permit Application, however the application is before the Commission for a decision due to the amount of time that has passed and because some of the work has already occurred. The provided floor plans for the barn do not match the Town of Halton Hills’ Building Permits records for the work that has already been undertaken. Additionally, the exact size of the structures provided in the application does not match Town records. As such, there is a lack of clarity in what work has been already been undertaken without authorization and what work is proposed. Multiple attempts to obtain more information from the applicant have gone unanswered.

The conversion of the barns for additional accommodation is not a permitted use within the Escarpment Rural Area. The applicants have stated that the barns would be used by the owner and family of the property owner and also by riders and trainers. While it is unclear how exactly the structures may be used and what the arrangements may be, the proposed use of the barns does not satisfy the definition of any permitted use within the Escarpment Rural Area. Each barn would contain at least one dwelling unit and the construction of breezeways to connect the buildings would not result in a single continuous building. The proposed use does not meet the definition of a bed and breakfast or dwelling unit accessory to agriculture. Furthermore, while it is unclear if the use is related to a recreational use, recreational uses are not permitted within prime agricultural areas on lands designated as Escarpment Rural Area.

The home office aspect of the proposal has the potential to be considered a home occupation, on-farm diversified use, or agriculture-related use, however no details have been provided about this use. An assessment as to whether the use would meet the Development Criteria has not been completed. The proposed use could be the subject of a new application that provides additional information. The proposed garage and autocourt could also be considered through a new application if they are accessory to the existing dwelling or agricultural use.

A complete review of the Development Criteria in Part 2 of the NEP is not completed when a proposal is not a permitted use. However, NEC staff note some technical concerns with the proposal relating to water resources and natural heritage. These are especially concerning given that the work has already partially taken place. If the development were permitted, NEC, Region of Halton and Conservation Halton staff would require the completion of a hydrogeological study to demonstrate that the development could be supported on private services and would not negatively impact water quality. An environmental impact study could also be required. These concerns largely relate to the installation of the sewage disposal system. The system has not been installed as per the 2004 Building Permit and as such was not adequate for the approved development on the property before the barn was converted to additional accommodation. To accommodate the unauthorized development and proposed development, a larger system would be required and likely would require authorization from MECP.

The proposal to convert the two barns to a new use cannot be considered in isolation of the history of the property. It remains unclear how the space will be used and if each building would function as multiple dwelling units or be more commercial in nature, such as for overnight accommodation. Regardless, neither is permitted within the Escarpment Rural Area designation. The property has an extensive history of large-scale events that were met with public opposition. Furthermore, NEC staff had previously assessed the scale of these events as going beyond the permitted uses and objectives of the Escarpment Rural Area. The application has not made any explicit connection between the events and additional accommodation. However, the floor plans and proposed use of the space for riders and trainers indicates that the use of the barns would be more intensive than a residential use and may in fact be used for overnight accommodation beyond what would be permitted as a bed and breakfast. This use is not permitted in the Escarpment Rural Area designation in the NEP, is not permitted by the Town of Halton Hills Official Plan or Region of Halton Official Plan, and is not permitted in prime agricultural areas under the Provincial Policy Statement.

## RECOMMENDATION:

That the Commission refuse the application for the following reasons:

1. Multiple dwellings units and/or overnight accommodation (other than a bed and breakfast) are not permitted uses within the Escarpment Rural Area, per Part 1.5.3 of the Niagara Escarpment Plan.
2. The proposal is not consistent with the Objectives of the Escarpment Rural Area.
3. The proposal conflicts with the agricultural policies in Section 2.3 of the Provincial Policy Statement.
4. The proposal conflicts with the Town of Halton Hills and Region of Halton Official Plans.
5. Town of Halton Hills and Region of Halton staff do not support the application.

## Prepared by:

Original signed by:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Cheryl Tansony

Senior Planner

## Prepared by:

Original signed by:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Cameron Curran

Senior Planner

## Approved by:

Original signed by:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Kim Peters, MCIP, RPP

Manager

Appendix 1 – Site Plan and Floor Plans

Appendix 2 – List of Development Permit Applications for the Halton Place Property

Appendix 3 – Chronological Timeline for the Halton Place Property

## APPENDIX 1 NIAGARA ESCARPMENT COMMISSION MAPS AVAILABLE AS A SEPARATE PDF DOCUMENT

**APPENDIX 2**

**NEC Development Permit Application History**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **File Number** | **Proposal** | **Decision** | **Appealed?** | **Date Development Permit (DP) Issued/File Closed** |
| **#4244/H/A/1989-1990/342** | To demolish several existing hog barns & to construct several earth berms & undertake grading to control runoff. | Approval | Yes | DP issued 03/01/1990 |
| **#4603/H/A/1990-1991/136** | To construct a private horse stable (637.88 sq m), indoor riding arena (3155 sq m) & equipment storage and warm-up riding arena (1691.5 sq m). | Approval | Yes | DP issued 07/16/1991 |
| **H/A/1991-1992/081** | To construct a private horse stable, outdoor riding arena & storage (total 25,059 sq ft) buildings. | Withdrawn | No | File closed 07/15/1991 |
| **#5762/H/A/1996-1997/049** | To construct a horse riding arena (1.5 storey, 7.92 m (26ft) above grade, 1613 sq m (17,360). | Approval | No | DP issued 09/06/1996 |
| **H/A/1996-1997/193** | To construct two storage barns for agricultural purposes - 410 sq m (4415 sq ft), height of 10.97 m (36 ft) and 445.9 sq m (4800 sq ft), height of 7.5 m (25 ft) both 2 storeys | Approval | Unknown | DP issued. Date unknown. |
| **#5755/H/A/1996-1997/065** | To install temporary tents, washroom facilities, signs, etc. for equestrian events to be held at the property in 1996, 1997, 1998 | Approval | No | DP issued 09/01/1996 |
| **#7044/H/A/2000-2001/121** | To construct 2 connecting barns with a combined area of 1331.76 sq m (14320 sq ft), for hay and equipment storage. | Approval | No | DP issued 08/25/2000 |
| **#8216/H/A/2004-2005/114** | To permit the setup of 15 temporary tents to be used as horse stalls for the purpose of a horse show on an existing 40 ha (100 ac) lot. Tents will be dismantled at the end of the show which runs from Oct 28 to Oct 31. | Approval (Director) | No | DP issued 09/23/2004 |
| **#8217/H/A/2004-2005/115** | To permit the setup of temporary tents to be used as horse stalls, vendor tents, food tents and sponsor tents to accommodate a Horse Show which runs from Sept 30/04 to Oct 3/04, on an existing 40 ha (100 ac) lot. Tents will be removed by Oct 4/04. | Approval (Director) | No | DP issued 09/23/2004 |
| **#8201/H/A/2004-2005/326** | To construct two separate 1 storey, 513 sq m (5520 sq ft) agricultural buildings, connected with a 167 sq m (1800 sq ft) walkway, for the storage of farm equipment and hay, on an existing 39 ha (96.71 ac) lot. | Approval (Director) | No | DP issued 07/25/2005 |
| **#8402/H/R/2004-2005/327** | To construct a 1 storey, 134 sq m (1440 sq ft) building for the storage of vehicles, on an existing 39 ha (96.71 ac) lot. | Approval (Director) | No | DP issued 07/25/2005 |
| **H/R/2005-2006/222** | To convert 83.61 sq m (900 sq ft) of an existing attached garage to living space, and to construct a two storey, 513.42 sq m (5526 sq ft) addition to an existing 432.84 sq m (4659 sq ft) single dwelling (including above proposed garage conversion). Addition to include an attached garage and additional living space. To also convert an existing three storey 1167 sq m (12561 sq ft) barn to living space, and a new septic system, all on an existing 39 ha (97 ac) lot. | Under review | N/A | N/A |
| **Amendment PH 174** | To provide for a site specific exception to the permitted uses of Escarpment Rural Area Designation to permit the construction and use of a public recreational a BMX bicycle track for training, events and competition purposes. | Refusal | No | File closed 09/18/2008 |
| **H/P/2006-2007/256** | To permit equestrian tournaments and agricultural events at Halton Place from Jun 1 to Nov 1 of each year, from 2007-09, with 10 events in 2007, 15 in 2008 and 20 in 2009. To permit the placement of four shelter tents for the above events, ranging in size from 98 sq m (1050 sq ft) to 195 sq m (2100 sq ft). To use an existing storage building for hosting events and event staging, all on the 39.46 ha (97.52 ac) Halton Place property. | Withdrawn | Yes | File closed 10/26/2007 |
| **#8866/H/A/2007-2008/001** | To permit 2 events: The Parelli Natural Horsemanship Clinic, June 2-10/07, and the Ontario Pleasure Driving Competition, June 10/07, to take place on the existing 38.66 ha (97.52 ac) Halton Place property. | Approval | No | DP issued 05/10/2007 |
| **#8953/H/A/2007-2008/069** | To permit the event, "The Summer's Here Junior Show," July 4-8/07, with an attendance of approximately 1500 people, 150 cars, and 50 trailers, and the placement of 6 portable washrooms, an amplification system, and food and beverages for sale, to take place on the existing 38.66 ha (97.52 ac) Halton Place property. | Approval | Yes | DP issued 08/14/2007 |
| **H/A/2007-2008/070** | To permit the event, "Tim's BMX Race," July 13-15/07, with an attendance of approximately 150-200 people and 50 cars, and the placement of 3 portable washrooms, and food and beverages for sale to take place on the existing 38.66 ha (97.52 ac) Halton Place property. | Refusal | No | File closed 07/09/2007 |
| **#8954/H/A/2007-2008/071** | To permit the event, "The AAC National Dog Agility Trials," August 16-19/07, with an attendance of approximately 2000 people and 200-250 cars, and the placement of 6 portable washrooms, an amplification system, and food and beverages for sale to take place on the existing 38.66 ha (97.52 ac) Halton Place property. | Approval | Yes | DP issued 08/14/2007 |
| **#8955/H/A/2007-2008/072** | To permit the event, "Canadian Country Classic Equestrian Tournament," August 22-Sept 2/07, with an attendance of approximately 5000 people, 300-400 cars, and 150-200 trailers, and the placement of 10-12 portable washrooms, an amplification system, and food and beverages for sale, to take place on the existing 38.66 ha (97.52 ac) Halton Place property. | Approval | Yes | DP issued 08/14/2007 |
| **#9189/H/P/2007-2008/226** | To permit 6 equestrian tournaments lasting 5 days at a time, to take place from July 1, 2008 until September 8, 2008, on the existing 39.46 ha (97.52 ac) Halton Place property. | Approval | Yes | DP issued 06/30/2008 |
| **#9390/H/A/2008-2009/228** | To permit up to 8 yearly equestrian events for the months of May - October for 2009, 2010, and 2011, with daily averages of ± 500 attendees, ± 250 cars, ± 75 horse trailers, up to 600 horses and the placement of up to 15 portable toilets, hand wash station, amplification equipment and food/beverage facilities, all on an existing 78.5 ha (194.1 ac) Halton Place property. | Approval | No | DP issued 04/16/2009 |
| **#9732/H/F/2009-2010/286** | To construct a maximum 1.00 m (3.28 ft) high, approximately 60 m (196.85 ft) long, sound attenuation berm on a 78.54 ha (194.1 ac). | Approval | No | DP issued 07/09/2010 |
| **H/A/2010-2011/247** | To permit an unlimited number of horse shows per outdoor season (May to October) to be held on the Halton Place property together with portable toilets, water and handwash stations, food and beverage facilities, temporary horse stabling, and amplification equipment in accordance with the approved Site Plan with the Town of Halton Hills and the municipal Noise By-law. In addition, it is requested that horse owners, riders, training staff be permitted to stay overnight in their own trailers during the shows in consideration for the safety and security of the horses that are stabled on-site. | Refusal | Yes | File closed 07/30/2013 |
| **H/A/2011-2012/001** | To permit three (3) horse shows to be held consisting of the Canadian Country Classic to be held during the period between August 24 – 28, August 31 – September 4 and September 7 – 11, 2011 together with portable washroom facilities, water and handwash stations, food & beverage facilities, vendor and children’s crafts facilities/tents, and sound amplification equipment in accordance with a Site Plan to be approved by the Town of Halton Hills and the municipal Noise By-law. The application also includes permission for the use of a Grand Prix sand ring for all three shows for 2011. | Refusal | No | File closed 07/13/2011 |

## APPENDIX 3

**Chronological Timeline of Halton Place**

|  |  |  |
| --- | --- | --- |
| **Year** | **Description** | **Related NEC File Number** |
| 1989 | Current owner purchases property. | N/A |
| 1989 | Work was undertaken without a permit to convert the hog barn to an equestrian operation. | C/89-90/21 |
| 1990 | Permit issued to demolish barns and construct berms. | H/A/1989-1990/342 |
| 1991 | Permit issued to construct horse stable, two riding arenas, equipment storage. The application was refused by the Commission, but approved by the Minister after an appeal. The construction did not occur and a revised application was submitted. | H/A/1990-1991/136 |
| 1996 | Permits issued to construct riding area and storage barns. | H/A/1996-1997/049 and H/A/1996-1997/193 |
| 1996 | First application for an event on the property. Approval for three years of the Oktoberfest Country Classic Horse Show (3 days). | H/A/1996-1997/065 |
| 2000 | Application was submitted for revisions to H/A/1996-1997/193 to reduce height and increase floor area of barns. It is unclear if a Building Permit was issued and the construction occurred. | H/A/2000-2001/121 |
| 2003 | Stable expansion with hydro and septic connection. Subsequent NEC staff letter stated hydro and septic would not be connected and use would change to hay storage, farm equipment storage, and personal vehicle parking. | H/A/2003-2004/349 |
| 2004 | Two events in the fall each lasting 4 days. Temporary tents of varying purposes were installed. | H/A/2004-2004/114 and H/A/2004-2005/115 |
| 2004 | Expansion for agricultural buildings (farm equipment and hay storage) involving connection of buildings by walkway. | H/A/2004-2005/326 |
| 2005 | Party and corporate events being held at the property. Staff inquired to owner about a corporate retreat/ banquet hall. | N/A |
| 2005 | Permit issued for personal vehicle storage. Status of construction unknown. | H/R/2004-2005/327 |
| 2006 | BMX track was constructed without authorization | PH 174 |
| 2006 | Application to convert a barn to living space and construct a garage was submitted. This application was deferred by the Commission multiple times for staff to look into unauthorized development on the property, including the social events and BMX track. The application was conditionally approved, with a condition that the events were removed from the website within a specified timeframe. The conditional approval lapsed. | H/R/2005-2006/222 |
| 2007 | NEC requested a Comprehensive Plan that deals with the outstanding issue of non-equestrian related events. | N/A |
| 2007 | Application for 10 events in 2007, 15 in 2008, 20 in 2009. The application was withdrawn and a subsequent application for only two events was submitted while under the first application was under appeal. Neighbours begin to file complaints relating to noise and traffic. | H/P/2006-2007/256 and H/A/2007-2008/001 |
| 2007 | Four additional events were submitted for events. Two events were directly related to the equestrian operation, one was related to a dog show, and one was related to the unauthorized BMX track. The BMX event was refused, however the other events were approved and proceeded. | H/A/2007-2008/069, H/A/2007-2008/070, H/A/2007-2008/071, and H/A/2007-2008/072 |
| 2008 | Plan amendment for BMX track was refused and a restoration order issued. The track was removed from the property. | PH 174 |
| 2008 | Application submitted for equestrian-related events in 2008. | H/P/2007-2008/226 |
| 2009 | Application submitted for equestrian-related events in 2009, 2010, and 2011. | H/A/2008-2009/228 |
| 2009 | A sound attenuation and spectator viewing berm was approved. | H/F/2009-2010/286 |
| 2010 | A Comprehensive Plan was submitted by the applicants but lacked sufficient detailed and included new development that had not been discussed with the NEC. There was no staff or Commission endorsement of the plan. | N/A |
| 2011 | An application for an unlimited number of horse shows from May to October was refused due to the increasing scale of the proposed events. | H/A/2010-2011/247 |
| 2011 | A subsequent application for 3 shows in 2011 was submitted while the application for unlimited events was under appeal. This application was also refused and was not appealed. | H/A/2011-2012/001 |
| 2016 | The current application was submitted to convert the barns to living space. Staff followed up with the owner and agent multiple times throughout 2016, 2017, and 2018 to understand what work has occurred and what is proposed. | H/R/2015-2016/361 |
| 2016 | An Order to Comply was issued by the Town in 2016 relating to the interior alterations of the barn that have already taken place. Building Permit issues on the property remain outstanding. | H/R/2015-2016/361 |