

CITY OF HAMILTON

MOTION

Council Date: April 23, 2014

MOVED BY COUNCILLOR J. PARTRIDGE.....

SECONDED BY COUNCILLOR

Re: **Lifting of Item 6 of the Planning Committee Report 14-004 (TABLED March 26, 2014)**

That Item 6 of Planning Committee Report 14-004 respecting Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) be LIFTED from the TABLE:

6. Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15) (Item 6.3)

(a) That approval be given to **Official Plan Amendment Application OPA-13-017, Fern Brook Resort Inc., Owner**, to amend policies and re-designate lands located at 58 12th Concession Road East (Flamborough), on Schedule “D” of the Rural Hamilton Official Plan (RHOP), to establish a Seasonal 100-site Trailer Park (Block “2”) and protected Conservation Areas (Blocks “3” and “5”), as shown on Appendix “A” to Report PED14032, on the following basis:

- (i) That Blocks “2”, “3”, and “5” be changed from the “Rural” designation to the “Open Space” designation;
- (ii) That Blocks “2”, “3”, and “5” be identified further as Site-Specific Area “R-___”;
- (iii) That the draft Official Plan Amendment (OPA), attached as Appendix “B” to Report PED14032, be adopted by City Council; and,
- (iv) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), Greenbelt Plan, Rural Hamilton Official Plan (RHOP) and the intent of the Town of Flamborough Strategy for

Recreational Vehicle Parks, Report DPD1994-21 (see Appendix "C").

(b) That approval be given to **Amended Zoning Applications D14-ST and ZAC-02-093, Fern Brook Resort Inc., Owner**, for changes in zoning to permit a permanent, 150-unit mobile home park and ancillary uses (Block "1"), a 100-site seasonal trailer park and ancillary uses (Block "2"), and protected Conservation Areas (Blocks "3", "4", and "5"), for the lands located at 57 and 58 12th Concession Road East (Flamborough), as shown on Appendix "A" to Report PED14032, on the following basis:

- (i) That Block "1" be changed from the Recreational Open Space "O3-3", Zone Modified, to the Residential Mobile Home "R9-6-1-(H)" Zone, Modified, Holding and the Residential Mobile Home "R9-6-2-(H)" Zone, Modified, Holding;
- (ii) That Block "2" be changed from the Agriculture "A" Zone, to the Recreational Open Space "O3-10-1(H)", Zone, Modified, Holding;
- (iii) That Block "3" be changed from the Conservation Management "CM" Zone, to the Recreational Open Space "O3-10", Zone, Modified;
- (iv) That Blocks "4" and "5" be changed from the Conservation Management "CM" Zone, to the Conservation Management "CM-4" Zone, Modified;

(aa) That the amending By-law apply the following Holding Provisions in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, to Blocks "1", and "2", by introducing the Holding Symbol 'H' as a suffix to the proposed Residential Mobile Home "R9-6-1(H)" Zone, Modified, Holding, the Residential Mobile Home "R9-6-2(H)" Zone, Modified, Holding and the Recreational Open Space "O3-10(H)", Zone, Modified, Holding;

(v) That the Holding provision referred to in Section (b) (iv) shall not be removed until such time as the following conditions have been completed:

Holding Provision "R9-6-1(H)" Holding Zone

The removal of the Holding provision "1(H)" will allow for the development of up to 50 permanent mobile home sites (units) on Block "1", as well as the following uses:

- (a) Clubhouse, accessory to the Manufactured and Mobile Home Park, which may include as ancillary uses to the park, administrative offices, a convenience store, a hotel consisting of 20 suites, a restaurant and tavern, a dining area, games room, fitness and leisure facilities including a pool, hot tub, sauna, showers, and fitness room.
- (b) One Manager's suite and two staff apartments, adjacent to the existing clubhouse.
- (c) Maintenance, utility and storage buildings; and,
- (d) Facilities for outdoor sports and leisure, including an outdoor pool, hot tub, children's play area, volleyball and tennis courts, and picnic areas.

The Holding provision "1(H)" shall remain in effect until such time as the completion of the following conditions:

(1) Site Plan Agreement (SPA)

The Owner shall enter into a Site Plan Agreement with the City and register it on title, for Block "1" - North Lands, to address required improvements and upgrades to the servicing, infrastructure, and layout of the mobile home park in a multi-phase plan, to be developed through the Site Plan approval process, through which the required financial securities for the construction of works, identified through Site Plan approval process, will be specified by the City and posted by the Owner, prior to Site Plan approval of each phase.

The development of the SPA should be made in reference to the requirements outlined in the Municipal Responsibility Agreement, adequately providing services to the development as outlined in the Functional Servicing Report, and to the satisfaction of the Director of Hamilton Water, Public Works.

(2) Municipal Responsibility Agreement

The Owner shall enter into and register the signed Municipal Responsibility Agreement and associate Trust agreement on title. Prior to registration of the Agreements, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth Management, the Director of Hamilton Water, Public Works, and the Director of Planning.

(3) Conservation Halton

- (a) Preparation and submission of a Flood Emergency Plan to the satisfaction of Conservation Halton (CH) is required to ensure a safe evacuation of residents during a flood emergency.
- (b) The completion of fill placement/grading and pedestrian bridge upgrades as recommended in the Stantec letter report, dated March 6, 2008, to ensure safe ingress/egress during regulatory storm events, to the satisfaction of Conservation Halton.

City Council shall remove the 'H' symbol "1(H)" and, thereby, give effect to the Residential Mobile Home "R9-6-1(H)" Zone, Modified, Holding provisions, to allow for up to 50 permanent mobile home sites by enactment of an amending By-law, once the above-noted conditions 1, 2, and 3, are satisfied.

Holding Provision 'R9-6-2(H) Holding Zone'

The removal of the Holding provision "2(H)" will allow for the development of an additional 100 permanent mobile home sites (units) on Block "1" for a total of 150 permanent mobile home sites (units). The Holding provision "2(H)" shall remain in effect until such time as the completion of the following conditions:

(1) Functional Servicing Report

Preparation and submission of an addendum to the Functional Servicing Report and Operations and Maintenance Manual, to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works. The addendum shall address the following matters:

- a) A Hydrogeological Study, with the assistance of a Qualified Person, to characterize the following:
 - i) The direction of groundwater flow;
 - ii) The existence of both an upstream and downstream monitoring well whose location reflects the groundwater flow regime;

- iii) Confirm that the downstream well is located within the effluent plume and at least 40 m. from the septic system and tile field;
 - iv) Confirm that the monitoring well number and the monitoring well information provided to date was sampled from the upstream and downstream monitoring wells identified in (ii) and (iii), above;
 - v) Determine appropriate effluent trigger limits at the monitoring wells;
 - vi) If recommended by the Hydrogeologist, install additional monitoring wells in order to address items (i) to (v).
- b) Following the collection of at least three consecutive years of monitoring data, the Owner shall reassess the Hydrogeological Study to confirm effluent trigger limits and provide recommendations on any required infrastructure upgrades, referencing the monitoring data in conjunction with the water and waste water flow rate and occupancy records;
 - c) Submission of theoretical design flows for both the water and wastewater systems, based on full occupancy of the Fern Brook Development (150 permanent and 100 season sites), following MOE Design Guidelines (2008), City of Hamilton Engineering Guidelines (2006), and the Ontario Building Code;
 - d) Submission of historical water and wastewater flow rates which are based on Ministry of Environment Design Criteria and accompanied by occupancy records for the related time period;
 - e) Demonstration that the rated capacity of the Water Treatment System is capable of servicing the full Fern Brook Development (150 permanent and 100 seasonal sites), with the rated capacity being based on the largest unit for each process component out of service, and that the system is adequately designed to meet the MOE/Hamilton Fire Department fire storage and fire flow requirements;

- f) Demonstration that the Sewage Treatment System will: i) function adequately for the design flows of the full Fern Brook Development (150 permanent sites and 100 seasonal sites), identifying the need for additional equipment in order to meet the rated firm capacity with the largest unit out of service; ii) operate in accordance with the associated Certificate of Approval; iii) produce an effluent, at the discharge point of the treatment system, with a nitrate concentration less than, or equal to 10 mg/L; and iv) maintain a nitrate concentration, at the property boundary downstream of the sewage treatment system, that does not exceed 2.5 mg/L.; and,
- g) Revisions to the Operations and Maintenance Manuals for the water and wastewater treatment facilities which follow MOE's prescribed format and which include a comprehensive set of operating instructions and a process narrative to explain how the facility is intended to operate in accordance with the required treatment system, as determined through the ongoing engineering analysis and in consultation with the City.

City Council shall remove the 'H' symbol "2(H)" and, thereby, give effect to the Residential Mobile Home "R9-6" Zone, Modified provisions, to allow for 100 permanent mobile home sites to a maximum of 150 permanent mobile home sites by enactment of an amending By-law, once the above-noted conditions are satisfied.

Holding Provision "O3-10(H)" Zone, Modified

The removal of the Holding provision "(H)" will allow for the development of up to 100 seasonal trailer sites on Block "2" and the sewage treatment plan and dispersal fields on Block "3". The Holding provision "(H)" shall remain in effect until such time as the completion of the following conditions:

(1) Site Plan Agreement

The Owner has entered into a Site Plan Agreement with the City and registered said Agreement on title, for Blocks "2" and "3" ("South Lands"). The Site Plan Agreement will address but shall not be limited to: required improvements and upgrades to the servicing, infrastructure, and layout of the seasonal trailer park, through which the required financial securities for the construction of works identified through the Site Plan Approval process will be

specified by the City and posted by the Owner prior to Site Plan Approval.

(2) Municipal Responsibility Agreement

The Owner has executed and registered on title the signed Municipal Responsibility Agreement and associated Trust Agreement to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works, and the Director of Planning. Prior to registration of said Agreements, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth Management and the Director of Hamilton Water, Public Works, and the Director of Planning.

City Council may remove the Holding provision 'H' and thereby give effect to the Recreational Open Space Zone "O3-10", Zone, Modified zone provisions, for Block "2", to allow for a maximum of 100 seasonal trailer sites and Block "3", to permit the Private Sewage Treatment Plant with Dispersal fields, by enactment of an amending By-law, once the above-noted conditions are satisfied.

- (vi) That Council authorize the Mayor and City Clerk to execute a Municipal Responsibility Agreement and associated Trust Agreement, substantially in the form attached as Appendix "H" to Report PED14032, with content acceptable to the City Solicitor and the Director of Planning.
 - (vii) That the draft By-law, attached as Appendix "C" to Report PED14032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (viii) That the proposed changes in zoning are in conformity with the PPS, the Hamilton-Wentworth Official Plan (HWOP), and the Flamborough Official Plan, and will be in conformity with the RHOP upon approval of OPA No. _____.
- (c) That Appendix "C" to Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be deleted and replaced with the REVISED Appendix "C".