



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 19, 2014
SUBJECT/REPORT NO:	Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for the Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to revised **Zoning Application ZAC-13-030, by Todd Walker, Owner**, for a change in zoning from the “A” (Agricultural) Zone to the “R3-6”-‘H’ (Estate Residential) Holding Zone, Modified, to facilitate the establishment of four lots along Concession 8 Road West through future severance applications, on lands located at 1605 Kirkwall Road (Flamborough), as shown on Appendix “A” to Report PED14198, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED14198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and the Rural Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of this revised application is for a change in zoning from “A” (Agricultural) Zone to “R3-6”-‘H’ (Estate Residential) Holding Zone, Modified, in order to facilitate the creation of four lots through future applications for consent. The balance of the lands will remain in a “A” (Agricultural) Zone.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS), and conforms to the Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and the Rural Hamilton Official Plan (RHOP). The proposal is considered to be compatible with the existing development in the surrounding area.

Alternatives for Consideration – See Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal

The subject property is zoned “A” (Agricultural) Zone and is located on the north side of Concession Road 8 West and west of Kirkwall Road. The southerly portion of the property is located within the Kirkwall Settlement Area and is the portion of the property that is the subject of the proposed rezoning, while the balance of the lands are located outside of the Kirkwall Settlement Area. The applicant will be required to submit consent applications in order to both sever the designated Settlement Area lands from the Agricultural lands, and, to further subdivide the Settlement Area lands to create a total of four lots for residential purposes (see Appendix “C”).

The applicant applied to change the zoning from the “A” (Agricultural) Zone to the “R2” (Settlement Residential) Zone. In review of the application, staff were of the opinion that the minimum lot area requirement of 2,000 sq m for the “R2” Zone was too small, did not reflect the lot sizes that were proposed, nor did it reflect the minimum lot size required to provide adequate private servicing.

Staff are recommending that the lands within the Kirkwall Settlement Area be rezoned to “R3-6” – ‘H’ (Estate Residential) Holding Zone, Modified.

In order to ensure that appropriate and sustainable private services are established on the proposed lots, an ‘H’ Holding provision is to be applied to the lands which will prohibit the establishment of a dwelling or other structures on the proposed lots until the applicant enters into a consent agreement which contains the required private servicing conditions.

Chronology

August 19, 2013: The applicant applied for a rezoning application to facilitate the creation of a total of four residential lots.

SUBJECT: Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) – Page 3 of 15

August 21, 2013: The application for rezoning application was deemed complete.

September 4, 2013: Notice of Complete Application and Pre-circulation was mailed to all residents within 120 m of the subject property.

January 21, 2014: Revised Plans submitted to increase the lot width and area of the westerly of the four proposed lots, and decreasing the lot width and area of the remaining three proposed lots.

May 28, 2014: Source Water Protection issues are adequately addressed subject to the inclusion of conditions.

July 28, 2014: The Public Notice sign was posted on the subject property.

August 20, 2014: The Public Notice sign was updated to note the date and time of the Public Meeting.

August 29, 2014: Notice of Public Meeting was mailed out to all residents within 120 m of the subject property.

Details of Submitted Application

Location: 1605 Kirkwall Road (Flamborough)

Owner: Todd Walker

Applicant: MHBC Planning

Property Description:

Frontage: 48.7 m

Lot Depth: 332 m

Area: 34 ha

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Agriculture	“A” (Agricultural) Zone

Surrounding Lands:

North	Single Detached Residential Dwelling	“CM” (Conservation Management) Zone and “CA” (Commercial Agricultural) Zone
South	Agriculture	“A” (Agricultural) Zone
East	Agriculture and Single Detached Residential Dwellings	“CM” (Conservation Management) Zone, “A” (Agricultural) Zone, and “R2”, “R2-3”, “R2-3(H)” (Settlement Residential) Zone
West	Agriculture and Single Detached Residential Dwellings	“CM” (Conservation Management) Zone, and “A” (Agricultural) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that focus growth into Settlement Areas and that accommodate an appropriate range and mix of housing in Rural Settlement Areas.

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:
- a) densities and a mix of land uses which:
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

SUBJECT: Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) – Page 5 of 15

- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- 1.1.4.2 In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.4.3 When directing development in rural *settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.
- 1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.
- 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.”

As the proposal is to establish a total of four residential lots in a rural settlement area, that will appropriately and efficiently use existing private services, and with appropriate mitigation to avoiding risk to public health and safety, the proposal is consistent with the policies of the PPS.

Greenbelt Plan

The application has been reviewed with respect to the Greenbelt Plan. The application conforms with the policies that permit infill and intensification of Hamlets, subject to appropriate water and sewage services, as per the policies contained in Section 3.4.3 of the Greenbelt Plan. The application also conforms with policy 1.2.2.4 a) which supports a strong rural economy by allowing for the social, economic and service functions through the residential, institutional, and commercial/industrial uses needed by the current and future population within the Greenbelt, particularly within settlement areas. Based on the foregoing, the proposal conforms with the policies of the Greenbelt Plan.

Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application conforms with the policies that direct development to settlement areas as per policy Section 2.2.2.1 i). The application conforms with the policies that direct residential development in the rural

SUBJECT: Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) – Page 6 of 15

area to settlement areas as per the policies contained in Section 2.2.9.3 of the Growth Plan for the Greater Golden Horseshoe. The application has been reviewed with respect to sustainable water and wastewater systems and subject to appropriate mitigation measures, the proposed development will maintain appropriate and sustainable water and wastewater systems as per policy 3.2.5.2. Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

Rural Hamilton Official Plan

The subject property is designated “Rural Settlement Area” and “Rural” in the Rural Hamilton Official Plan (RHOP).

“D.2.1 Uses permitted in the Agricultural Designation are limited to agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on-farm secondary uses.

D.4.1 Uses permitted in the Rural designation are limited to the uses permitted in Section D.2.0, Agriculture Designation of this Plan.”

The proposed development will sever the Rural designated lands, which will continue to be used for agricultural purposes, from the Rural Settlement Area designated lands, which will be further severed to establish four residential lots.

“D.5.0 The Rural Settlement Area designation on Schedule D - Rural Land Use Designations, designates those areas where a variety of land uses and *developments* have clustered together on a *small scale* outside the designated Urban Area. These areas are intended to be residential and service centres that serve the immediate community and the surrounding rural area. Nineteen (19) Rural Settlement Areas have been identified and designated on Schedule D - Rural Land Use Designations. Lands designated Rural Settlement Area shall be subject to Rural Settlement Area general policies and Secondary Plan policies for each Rural Settlement Area set out in Volume 2 of this Plan.”

The portion of the lands that are the subject of the Zoning By-law Amendment are located within the Kirkwall Settlement Area and are intended to be used for residential purposes.

“C.2.4.2 New development or site alterations shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage feature within the Greenbelt natural heritage system or a key hydrologic feature anywhere in the Protected

SUBJECT: Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) – Page 7 of 15

Countryside requires an Environmental Impact Statement which identifies a vegetation protection zone, according to Section C.2.4.10, C.2.4.11, C.2.4.12, C.2.4.13, and C.2.4.14.”

A portion of the subject property is located within a Core Area natural heritage system and key hydrologic feature (Stream, Significant Woodland, Environmentally Significant Area, and Provincially Significant Wetland) however the natural heritage system and key hydrologic feature are located on the retained farm parcel (Part 1 of Appendix “C”) and is located greater than 120 m from the four proposed residential lots. Therefore an Environmental Impact Statement is not required.

“C.5.1 It is the objective of this Plan to ensure that all new rural *development* establishes, and maintains in perpetuity, *sustainable private services* wherever municipal water and/or wastewater services are not available.

C.5.1.3 All *development* requiring approval under the Planning Act and Development Permit required under the Niagara Escarpment Plan that is dependent upon *sustainable private services* shall comply with the following:

- c) An application for the severance or subdivision of a lot or an amendment to the Zoning By-law for an existing lot that includes an existing or proposed sewage disposal system shall be a minimum, 0.4 hectares (1 acre) in size, or such larger lot area as may be required by environmental or cumulative land use conditions associated with the site for the discharge and dispersion of sewage system effluent in accordance with the Ontario Building Code Act;
- d) All applications for severance or subdivision of a new lot or creation of a new land use requiring amendment to this Plan or the Zoning By-law, or any development permits in an area not served by *existing* municipal water or wastewater systems, shall include a servicing suitability study of groundwater and geotechnical conditions that includes an assessment of water supply and sewage disposal system impacts of *existing* and proposed *development* associated with the site that is prepared by a professional engineer, hydrogeologist or similarly qualified professional which demonstrates to the satisfaction of the City that a private water well and private sewage disposal system with associated reserve discharge area can be established in accordance with the *sustainable private service* definition of this Plan.”

SUBJECT: Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) – Page 8 of 15

The proposed lots will have a minimum lot size greater than 0.4 ha (1 ac), with a lot size of 0.72 ha for the most westerly proposed lot and 0.55 ha for the remaining three proposed lots. The applicant has submitted a hydrogeological study for review. Staff have reviewed the hydrogeological study and are satisfied that the proposed development subject to appropriate conditions, will be able to establish sustainable private services. Further details on the hydrogeological study and the required conditions are discussed in further detail in the Relevant Consultation section of the Report.

Kirkwall Secondary Plan

The subject property is designated “Settlement Residential” in the Kirkwall Secondary Plan.

“A.1.3.1 On lands designated Settlement Residential, residential uses are limited to single detached dwellings and small scale institutional uses.”

The proposed development is for a rezoning to facilitate the establishment of four lots for single detached dwellings and will therefore conform to Policy A.1.3.1 of the RHOP.

“A.1.2.4 *Development* in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:

- b) All *development* shall be required to obtain approval from the City for servicing. Any *development* shall be serviced in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services of Volume 1 of this Plan, except in Rural Settlement Areas which are within the service areas for municipal communal water supply and will be provided in accordance with Section C.5.2.

A.3.6.3.3 The City shall not support any land severance and/or subdivision application to create new lot(s) in the Kirkwall Rural Settlement Area until such time as it has been demonstrated through the appropriate studies, that the lands to be developed can be adequately serviced by both private water and septic services.”

The applicant has submitted a hydrogeological study to demonstrate that the proposed lots will be of an adequate size in order to provide adequate and sustainable on-site private services. Staff have reviewed the hydrogeological study and are in principle satisfied that sustainable private water and wastewater services can be achieved on the subject lands. The implementation of the proposed servicing strategy would be subject to design and monitoring conditions. As the condition would be carried out through the building approval, construction, and post construction stages of development, the

SUBJECT: Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) – Page 9 of 15

proposed conditions are to be applied through a future consent agreement. In order to ensure that a consent agreement with the appropriate conditions is implemented staff are requiring that an 'H' Holding provision be applied to the lands. The Holding provision cannot be lifted until a consent agreement has been entered into, to the satisfaction of the City.

RELEVANT CONSULTATION

The Hamilton Municipal Parking System had no comments or objections to the proposed rezoning application.

Traffic Engineering and Operations Section, Public Works Department advised that the sight line study submitted by the applicant, indicates that minimum stopping sight distance for Parts 2 and 3 (see Appendix "D") is not achieved under existing conditions. The study recommends relocating the start of the East Bound 50 km/hr speed limit to within the settlement area in order to meet the sight lines. Traffic Engineering staff indicated that the start of the 50km/h speed limit can be relocated 385 m west of Kirkwall Road, which would provide Part 3 with minimum sight lines, however, Part 2 would remain substandard.

To achieve minimum site lines, the applicant revised the proposed lotting pattern to widen Part 2 in order to shift the driveway entrance as westerly as possible in order to achieve adequate sightlines for Part 2, which is satisfactory to Traffic Engineering and Operations staff.

Grand River Conservation Authority (GRCA) staff noted that there are portions of the property that are regulated by the GRCA for wetlands, floodplain and their adjacent allowances. GRCA staff noted that new development within regulated areas will require the prior issuance of a permit from the GRCA, however the lands being rezoned are not within this regulated area and a permit is not required.

Source Protection Planning staff reviewed the hydrogeological study submitted in support of the proposed development for the creation of four lots on 2.39 ha (0.59 ha, 1.47 ac per lot) of land within the Kirkwall Settlement Area. Based on the review of the hydrogeological study, Source Water Protection staff determined that a larger lot size of 0.69 ha (1.7 ac) per lot is required.

As previously noted, the applicant revised the proposed lots, in order to satisfy the concerns of Traffic Engineering staff which resulted in one of the lots being brought into conformity with the minimum 0.69 ha requirement, but resulted in the other three lots being smaller than the minimum 0.69 ha.

Based on further discussion, it was determined that the smaller lot sizes of 0.55 ha could be permitted for the lots on the basis of an advanced treatment system that

achieves appropriate nitrates reduction, however as these advanced systems are not yet verified by the BNQ under Canadian winter conditions, conditions will need to be imposed in order to ensure that the advance treatment system will be adequate to maintain compliance with Provincial guidelines.

The required conditions which are outlined below are primarily conditions that would be undertaken at the time that lots and/or the dwellings and the septic and advanced treatment systems are being designed and established. In addition, the monitoring and implementation conditions will be fulfilled after septic and advanced treatment systems are in place and operating. Therefore the most appropriate method of ensuring that the conditions are undertaken and implemented is to have the applicant enter into a Consent Agreement with the City. The Consent Agreement will be required as a condition of the severance applications to create the proposed four lots. In order to ensure that a Consent Agreement is entered into with the required conditions included, staff are recommending that an 'H' Holding provision be established to be lifted once the applicant has entered into a Consent Agreement to the satisfaction of Manager, Source Protection Planning, Public Works Department and the Senior Director of Growth Management, Planning and Economic Development Department.

The conditions to be included within the Consent Agreement are outlined as followed:

- 1) That the septic system design be signed by an engineer demonstrating that the construction and commissioning of the system is carried out accordingly, to the satisfaction of the Manager of Source Protection Planning, Public Works Department.
- 2) That a maintenance report will include nitrates sampling results to ensure that the target limit is met, to the satisfaction of the Manager of Source Protection Planning, Public Works Department.
- 3) That the applicant enter into an agreement with the City of Hamilton requiring that the owner is responsible to address any possible issues and prove compliance should the system fail to meet the appropriate concentrations, to the satisfaction of the Manager of Source Protection Planning, Public Works Department.
- 4) In order to ensure that future owners of the property are aware of the advanced treatment system and their responsibility to maintain and address possible issues as noted in condition No. 3, the following warning Clause shall be included within all offers and agreement of purchase and sale or lease, for all units:

“This dwelling unit is serviced by an advanced septic disposal system that will require routine maintenance and upkeep and it is the responsibility of property owners to maintain the septic disposal system, in accordance with the regulations of City of Hamilton and the Ministry of the Environment.”

SUBJECT: Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) – Page 11 of 15

- 5) That the applicant post appropriate securities to ensure that the septic systems are established accordingly, are appropriately tested, to the satisfaction of the Manager of Source Protection Planning, Public Works Department.

Based on the 'H' Holding provision being established and the conditions outlined above, staff support the proposed Zoning By-law Amendment.

PUBLIC CONSULTATION

In accordance with Council's Public Participation Policy, the application was pre-circulated as part of the Notice of Complete Application, to 31 property owners within 120 m of the subject lands, on September 4, 2013. Staff were contacted by a property owner outside of the 120 m circulation radius, who raised concern with respect to the drainage of a wetland, and that the proposal would impact on the development potential of his lands. No formal letter of correspondence was submitted at the time of preparation of this Report. A discussion on the issues raised by the property owner are outlined in the Analysis and Rationale for Recommendation Section of the Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe, and the Rural Hamilton Official Plan.
 - ii) It is compatible with the type and form of development in the surrounding neighbourhood.
2. As noted in the Relevant Consultation section of the Report, Source Water Protection staff initially determined that a minimum lot area of 0.69 ha (1.7 ac) (6,900 sq m) was required to provide sustainable private services based on traditional septic disposal systems. Three of the proposed lots (Part 3, 4 and 5 of Appendix "C") would not meet the minimum 0.69 ha because they are 0.55 ha in area. Sustainable private services utilizing a traditional septic disposal system would not be achieved based on a 0.55 ha lot area. By utilizing new advanced treatment systems, the private services of the three 0.55 ha lots can be brought to within appropriate provincial regulations. In order to ensure that appropriate advanced treatment systems are established and in order to ensure that the system is properly monitored and maintained, staff are requiring that the applicant enter into a consent agreement and that a number of conditions relating to the private services be added to the consent agreement, which will be registered on title. In order to ensure that development does not occur without the applicant entering into the required consent agreement, and in order to

ensure that the required conditions are included within the consent agreement, staff are requiring that an 'H' Holding provision be added to the lands to prohibit development until the applicant has entered into the consent agreement to the satisfaction of the Manager of Source Protection Planning, Public Works Department and Senior Director of Growth Management, Planning and Economic Development Department.

3. The subject property is located on the north side of Concession Road 8 West and west of Kirkwall Road. The existing lands are vacant farm lands. To facilitate future severance applications in order to establish a total of four residential lots and retain the remainder of the lands for agriculture, the applicant has applied for rezoning approval to establish the "R2" (Settlement Residential) Zoning. In review of the Zoning By-law Amendment application staff were of the opinion that the 2,000 sq m minimum lot area requirement of the "R2" Zone did not adequately reflect the lots size of lots that were proposed to be established nor did the minimum lot area requirement of the "R2" Zone adequately reflect the minimum lot size required to provide adequate private services. In order to better reflect the size of lots that are being proposed and to ensure that the zoning reflects the size of lot that is required for the provision of adequate private services staff are recommending an amendment to the "R3-6" (Estate Residential) Zone for the lands within the Kirkwall Settlement Area (see Appendix "A"). The proposed "R3-6" – 'H' (Estate Residential) Holding Zone, Modified implements the Kirkwall Secondary Plan which identifies the lands that are to be rezoned as being within the Settlement Area boundary. Three of the proposed lots (Parts 3, 4 and 5 of Appendix "C") have a minimum lot area of 5,590 sq m per lot and therefore do not comply with the minimum lot area requirement of the "R3" Zone which requires a minimum lot area of 6,000 sq m per lot. Therefore, a site specific modification to reduce the minimum lot area requirement from 6,000 sq m to 5,500 sq m is required. The proposed 5,500 sq m lots will be similar in size to the lots located to the east of the proposed lots and will exceed the lot sizes of many of the other lots in the Kirkwall Settlement Area and therefore the proposed zoning establishes lots that are of a size and scale that is in keeping with the character of the area.
4. A portion of the subject lands contains a Core Area (Stream, Significant Woodland, ESA and Provincially Significant Wetland), however the proposed development is located more than 120 m from the Core Area and the Greenbelt Natural Heritage System. Development that is more than 120 m from an Environmentally Significant Area is not required to undertake an Environmental Impact Statement as per the policies of the Rural Hamilton Official Plan. Therefore, the only natural heritage concern is with respect to vegetation onsite.

With respect to onsite vegetation, the applicant submitted a General Vegetation Inventory and a Tree Protection Plan. The proposed septic bed for the two

SUBJECT: Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) – Page 13 of 15

middle lots (Parts 3 and 4 of Appendix “C”) marginally encroaches into the drip line of two trees and it is recommended that the septic bed be moved south so that the septic bed is outside of the drip line of the trees. In addition, hoarding and a retaining wall are shown within the drip line of two other trees on the westerly lot (Part 2 of Appendix “C”) and the hoarding and retaining wall should be located outside of the dripline of the trees. This will be secured through the future consent application by requiring the preparation and implementation of a tree preservation plan.

It is noted that most of the trees along Concession 8 Road West are proposed to be removed due to conflicts with development primarily respecting driveways and due the poor condition of other trees. As a condition of consent, the applicant will be required to provide compensation for any municipal trees that are removed. Compensation (replanting) is required at a 1:1 basis for all 10 cm dbh trees in fair condition or better. It is recommended that native species similar to those currently on the site be planted.

5. It is noted that there are no public watermains nor municipal sanitary sewers available in the area, and there are no plans to establish municipal services in the area.

The applicant submitted a Stormwater Management Plan in the form of a report, and staff note that the report is satisfactory.

No road widening dedications for Kirkwall Road or Concession 8 Road West are required at this time.

At the severance stage, the applicant will be required to enter into a development agreement to deal with grading, drainage, as well as, sediment erosion control measures, among other issues.

6. At the time of writing of this Report, no letters of correspondence were submitted to staff with respect to the proposed rezoning. Staff were contacted by an individual who owns property outside of the 120 m circulation radius who expressed a concern that the property owner at 1605 Kirkwall Road had been systematically tiling and draining the wetland on the property and diverting flows of water. The individual also expressed a desire to have his property added to the Kirkwall Rural Settlement Area (RSA) and was concerned that this proposal will impact his chances of expanding the RSA boundary.

With respect to the concern regarding the tiling and draining of the wetland, Grand River Conservation Authority staff were contacted, and sent staff to investigate the site on October 2, 2013. Grand River Conservation Authority did not find anything of concern at 1605 Kirkwall Road. A review of past aerial

photography dating back to 2002 does not show any notable change to the wetland boundary.

With respect to the concern regarding expanding the RSA boundaries to include the lands of the interested party, it is noted that approximately 10 ha (25 ac) of the interested party's land are already located within the RSA boundaries. Section 3.4.2 5) of the Greenbelt Plan permits modest settlement area expansion at the ten-year review of the Greenbelt Plan, subject to certain criteria. This review is initiated by the provincial government and not by local property owners, and is only conducted under this ten-year review and not at any other times.

The application to rezone a portion of the lands at 1605 Kirkwall Road facilitates the development of lands that is already located within the RSA and does not preclude the orderly development of the portion of the interested party's lands that are located within the RSA.

ALTERNATIVES FOR CONSIDERATION

If the application for rezoning is denied, the applicant would still be able to utilize the lands in accordance with the "A" Agricultural Zone provisions, and would still be able to proceed with the applications for severance as the "A" Agricultural Zone permits single-detached dwellings, and the proposed lots would be required conform to the lot size provisions of the "A" Agricultural Zone.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft By-law and Schedule A Map
- Appendix "C": Concept Plan
- Appendix "D": Original Concept Plan

DB:tp