



**CITY OF HAMILTON**  
*Planning and Economic Development Department*  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 9, 2014
<b>SUBJECT/REPORT NO:</b>	Application for Amendment to Flamborough By-law No. 90-145-Z for Lands Located at 250 Concession 4 Road West (Flamborough) (PED14236) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Edward John (905) 546-2424 Ext. 5803
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to **Zoning Application ZAR-12-066, by Landmark Group, Owner,** for a change in zoning to the Flamborough Zoning By-law No. 90-145-Z from the “A” (Agricultural) Zone to the “CM” (Conservation Management) Zone (Block 1) and from the “A” (Agricultural) Zone to the “A-93(H)” (Agricultural) Zone, Modified, Holding with a special exception (Block 2), in order to permit an agricultural operation with a number of agricultural related and accessory uses including, but not limited to: education and resource centre, restaurant, accessory retail uses, cidery and related parking, as shown on Appendix “C”, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED14236, that has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix “B” to Report PED14236, be added to Schedule “A-11” of former Town of Flamborough Zoning By-law No. 90-145-Z;
  - (iii) That the amending By-law be added to Section 33.3 of Zoning By-law No. 90-145-Z as “A-93(H)”;
  - (iv) That the amending By-law apply the following Holding Provision in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, by introducing the Holding Symbol ‘H’ as a suffix to the proposed Zoning District. The Holding Provision ‘H’ shall not be removed until such time as

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the following condition has been completed to the satisfaction of the Director of Planning and the Ministry of the Environment:

- 1) That the Hydrology and Servicing Report receive final approval to the satisfaction of the Ministry of Environment;
- (v) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan, and is in conformity with the Rural Hamilton Official Plan (RHOP).

### **EXECUTIVE SUMMARY**

The purpose of the application is to amend Flamborough Zoning By-law No. 90-145-Z in order to permit an agricultural operation with a number of agricultural related, agri-tourism and accessory uses to be considered under the umbrella term of an 'Agricultural Promotion Centre'. The Agricultural Promotion Centre is proposed to accommodate the following uses, which include, but not limited to: education and resource centre, restaurant, accessory retail uses, cidery and related parking, on lands located at 250 Concession 4 Road West (see Appendix "A"). A concept plan of the proposed agricultural operation and associated Agricultural Promotion Centre has been submitted (see Appendix "C").

The proposal can be supported, subject to the proposed holding zone, as it is consistent with the Provincial Policy Statement (PPS) (2014), conforms to the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and implements the "Agriculture" Designation of the Rural Hamilton Official Plan (RHOP). It is a form of Agricultural development that promotes the industry in an appropriate and sustainable manner.

***Alternatives for Consideration – See Page 20***

### **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 purpose and effect of this application is to permit an agricultural operation with a number of agricultural related, agri-tourism and accessory uses. These secondary uses are considered under the umbrella term of an 'Agricultural Promotion Centre'. The Agricultural Promotion Centre would accommodate a number of proposed uses through several buildings, and would include, but not be limited to the following: an education and resource centre, restaurant, accessory retail uses and related parking.

### **Chronology:**

- December 14, 2011: Development Review Committee Meeting for Formal Consultation Application FC-11-135.
- December 13, 2012: Submission of Application ZAR-12-066 by Landmark Group.
- January 11, 2013: Application ZAR-12-066 is deemed complete.
- January 25, 2013: Circulation of Notice of Complete Application.
- January 29, 2013: The Public Notice Sign posted on the subject property.
- September 26, 2013: Neighbourhood Meeting.
- November 12, 2014: Public Notice Sign updated.
- November 21, 2014: Notice of Public Meeting mailed to 35 property owners within 120 m of the subject property.

### **Details of Submitted Application:**

- Location:** 250 Concession 4 Road West (Flamborough)
- Owner:** Landmark Group
- Agent:** GSP Group

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**Property Description:** Area: 39.877 ha.  
Frontage: 404.6 m  
Depth: 983.6 m

**Existing Land Use And Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Agricultural Farmland	“A” (Agricultural) Zone & “CM” (Conservation Management).
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single Detached Residential Dwellings and Agricultural	“A” (Agricultural) Zone and “CM” (Conservation Management).
<b>South</b>	Agricultural Farmland Rock Chapel Golf Centre	“A” (Agricultural) Zone “O3-7” Open Space, Modified.
<b>East</b>	Single Detached Residential Dwellings and Agricultural Farmland	“A” (Agricultural) Zone.
<b>West</b>	Single Detached Residential Dwellings and Agricultural Farmland	“A” (Agricultural) Zone and “CM” (Conservation Management).

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (PPS) (2014):**

The application has been reviewed with respect to the PPS (2014). The application is consistent with the policies that seek to promote the rural areas as a foundation for a sustainable economy. As detailed in Policy 1.1.4, the proposal would promote diversification of the “economic base and employment opportunities through goods and services, including value-added products” as well as “provide opportunities for sustainable and diversified tourism”.

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The combination of *normal farm practices* and *on-farm diversified uses*, as proposed, are identified in Policy 2.3.3.1 as permitted uses. The PPS defines *on-farm diversified uses* as:

“Uses that are secondary to the principal agricultural use of the property, and are limited in area...include, but not limited to home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.”

The proposed combination of uses is considered to implement and support this policy direction. The Agricultural Promotion Centre is considered secondary to the principal agricultural use of the lands. The range of uses will be restricted in area to ensure they remain secondary and do not detrimentally affect the continued farming operation. On this basis, staff consider that a clear symbiotic relationship between the uses is established that will meet the overall objective of protecting and enhancing the agricultural operation.

Indeed, as further articulated in Policy 2.3.3.2, which states:

“2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.”

Of particular note in the above policy are the terms protect and promote. The application seeks to achieve both these requirements, with a use that is of a scale and function as to protect the existing agricultural function of the lands; and further, to introduce a use that directly and indirectly promotes local farming, through educating both prospective farmers and the public of the role of agricultural production in Ontario.

The subject property is defined as having archaeological potential. Accordingly, Policy 2.6.2 of the PPS applies as listed below:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

Staff note that the lands are a functioning farm and that much of the site has been previously disturbed. Notwithstanding this, staff will ensure that through the Site Plan process, the area intended to accommodate the Agricultural Promotion Centre will be assessed in order to ensure the provincial interest is protected.

Given the introduction of the livestock component within the farm, an assessment has been made in regard to minimum distance separation formulae. On the information provided, staff are satisfied that the proposal would be consistent with Policy 2.3.3.3, which states:

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“2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.”

Finally, following review of the Environmental Impact Study prepared by Natural Resource Solutions (December 2012) and subsequent addendum (April 2013) and the Hydrogeology Study Report (November 2012), staff are satisfied that the application is consistent with Policy 1.1.4.1 h), which seeks to conserve biodiversity and the ecological benefits provided by nature.

Based on the foregoing, the proposal is considered consistent with the PPS (2014).

**Greenbelt Plan 2005:**

The subject lands are located within the Protected Countryside as identified on Schedule 1: Greenbelt Plan Area. The lands are also further considered Prime Agricultural Area, as defined by the Rural Hamilton Official Plan (RHOP).

In accordance with the Goals of the Greenbelt Plan detailed in Policy 1.2.2, the proposed development would be consistent with the direction to “protect prime agricultural areas by preventing further fragmentation and loss of the agricultural land base caused by lot creation” and would benefit from the “provision of appropriate flexibility to allow for agriculture, agriculture-related and Secondary uses, normal farm practices and an evolving agricultural rural economy”.

In particular Policy 3.1.3.1 states:

“Within Prime agricultural areas, as identified in municipal official plans, normal farm practices and a full range of agricultural, agriculture-related and secondary uses are supported and permitted.”

Similar to the PPS, the Greenbelt Plan defines secondary uses as: “uses secondary to the principal use of the property, including but not limited to home occupations, home industries and uses that produce value-added agricultural products from the farm operation on the property”.

It is considered that the proposed Agricultural Promotion Centre complies with this Policy. In addition, it is the opinion of staff that the proposed development would both directly and indirectly protect land suitable for agricultural production. In terms of the direct impact, given that the proposed location of all built structures and parking areas would be clustered in an area currently accommodating a number of existing farm buildings, staff consider the development to limit the amount of land directly taken out of agricultural production. In addition, an EIS identified additional lands to be incorporated

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and rezoned into the Conservation Management (CM) Zone, prohibiting any development within the Natural Heritage System.

Secondly, the use of these buildings to educate both prospective farmers and the general public on farming matters in Ontario, is considered to promote and protect the agricultural industry, and by proxy, indirectly protect agricultural land, in line with the general intent of the Plan.

Based on the forgoing, the proposed development is considered to comply with the Greenbelt Plan.

**Growth Plan for the Greater Golden Horseshoe (Places to Grow):**

The subject lands are located within the Greenbelt Area as identified on Schedule 2 – Places to Grow Concept Plan.

Policy 2.2.2.1 of the Growth Plan provides direction with respect to managing future growth and development, and establishes specific provisions for growth that is outside of an identified rural settlement area in particular 2.2.2.1.i) which states:

“Directing development to settlement areas except where necessary for development related to the management or use of resources, resource based recreational activities, and rural land uses that cannot be located in settlement areas.”

As the principal use of the lands are for agricultural uses in addition to appropriate secondary and agri-tourism uses the proposed development would be consistent with the above policy direction.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

**Rural Hamilton Official Plan:**

The subject lands are designated Agriculture on Schedule D – *Rural Land Use Designations*. The applicable policies provide for a wide range of farm types while preventing further conflicts of use, and ensuring the sustainability of the Natural Heritage System.

“D.2.1                      Uses permitted in the Agriculture designation are limited to *agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on-farm secondary uses* as set out in the following policies.”

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Policy D.2.1 identifies that the permitted uses are limited to agricultural, agricultural-related commercial and on-farm secondary uses. As discussed further within this policy review, the proposed development is considered to conform to these uses.

**“Agricultural Use:** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and *structures*, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment (PPS, 2005).”

As detailed above, staff acknowledge that the majority of the site (in excess of 24 ha/60 ac) is to be used for uses consistent with the definition of Agricultural Uses as defined within the RHOP.

Given that these uses are also currently permitted within the existing Zoning by-law applicable to the subject lands, the focus of this Report is instead directed towards the critical evaluation of the proposed Agricultural Promotion Centre, and associated/accessory uses, which would include a place of assembly for educational tours and tasting kitchen/restaurant, in addition to the small scale retailing of products produced on site (and associated café).

Staff note that a number of policies within the Agricultural-Related Uses section of the Official Plan provide guidance to several of the non-agricultural uses detailed above (Policies D.2.1.2 - D.2.1.2.2), however, in general, it is the position of staff that the proposed uses are more representative of those uses defined as On-Farm Secondary Uses within the RHOP, and, as such, policies from this section of the Official Plan have been employed as guiding policies in order to comprehensively evaluate their relative merits.

It is further noted that the definition of *On-farm Secondary Uses* within the RHOP is consistent with the definition within the Greenbelt Plan and the former 2005 PPS (which has now been updated with the term *On-farm Diversified Uses* in the 2014 PPS, but maintains the previous intent and general definition). Policy C.1.2.3 however identifies that the RHOP is more restrictive than the Greenbelt Plan with respect to how and where these uses function.

“C.1.2.3                      The following policies in this Plan which are more restrictive than the policies in the Greenbelt Plan and do not conflict with Greenbelt Plan shall continue to apply:

- b) On-farm *secondary uses* in accordance with Sections C.3.1.2; and D.2.1.3 of this Plan;”



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As detailed in the accompanying Planning Justification Report, the applicant is requesting the following permitted uses, above and beyond those uses currently permitted within the standard Agricultural (A) Zone that applies to the property:

- Butchery (excluding rendering/abattoir);
- Cidery;
- Education Centre;
- Restaurant;
- Hospitality/Visitor Centre; and,
- Ancillary uses, including bakery, coffee shop, snack bar, sale of crafts and gifts and flowers and plants.

The accommodation of these uses would be through several buildings - ranging in size, and associated parking. The buildings are to be clustered toward the northerly section of the site, within proximity to the access driveway from Concession Road 4 West.

As detailed in Policy D.2.1.3, On-farm Secondary Uses are intended to encourage economic diversification as a means of reinforcing the agricultural economy. They are to be secondary to the primary agricultural use and are limited to “agri-tourism uses...and small scale retailing of agricultural products”. Policy D.2.1.3 identifies four specific conditions that are to be satisfied, which are:

- a) The use shall be clearly secondary to the primary agricultural use maintained on the lot;
- b) Any buildings or structures associated with an on-farm *secondary use* shall allow for ease of conversion to a future *agricultural use* and be located to form an integral part of the primary *farm cluster*;
- c) Appropriate development standards shall be established in the Zoning By-law regarding the maximum floor area for such uses, access, parking, outside storage, and any other requirements; and,
- d) Site Plan approval may be required.”

Staff are satisfied that from the proposed scale and intensity of the Agricultural Promotion Centre, the uses will remain secondary to the agricultural use, and further, that the buildings are appropriately clustered and can be converted in the future to agricultural uses. Finally, the amending by-law (see Appendix “B”) introduces appropriate performance standards in which to ensure the use remains secondary through limiting the Gross Floor Area (GFA) of the buildings in addition to other provisions, and that these requirements will be implemented through Site Plan Approval.

More specific policies exist with respect to how the retail uses and agri-tourism uses are implemented. These policies continue the overall policy intent of ensuring the secondary uses remain subordinate to the primary use of agriculture, and to ensure they are subject to appropriate performance standards. These policies state the following:

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- “D.2.1.3.2 c) Small Scale retailing of agricultural products grown primarily on the site may be permitted, subject to the following conditions:
- i) To ensure that the use is clearly accessory to the main agricultural use, limitations on the area of the site and/or building floor area that may be used for retail purposes, as well as, other aspects of the use shall be established in the Zoning By-law; and
  - ii) No retailing shall be permitted within the principal farm residence or any other dwelling such as a farm labour residence.
- d) Agri-tourism uses and facilities associated with seasonal farm-related attractions, and farm tours may be permitted, subject to a Zoning By-law amendment for any new buildings and structures for the agri-tourism use.”

Based on the proposal, staff are satisfied that the retailing of products are primarily items produced onsite and that such retailing is specifically related, and secondary to, the principal farm use – this has also been incorporated into the implementing zoning by-law (see Appendix “B”). The agri-tourism uses will serve as a fundamental educational tool, providing an understanding of farming in Ontario through tours of the site and tasting kitchen. The assembly facility in which these uses are to occur will be limited in size and is considered secondary to the primary use of agriculture.

Ancillary uses of a coffee and gift shop are also considered to be consistent and complementary to this policy intent.

With respect to the site servicing, Policy C.5.1.1 requires all new development outside of the Urban Area Boundary or the municipal water service districts provide sustainable private services.

- “C.5.1.1 No draft, conditional, or final approval of *development* proposals shall be granted by the City for any *development* in the *rural area* that could impact existing *private services* or involves proposed *private services* until the *development* proposal has complied with all of the following:
- e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;”

Based on the size of water demands of the proposal, final approval of the system rests with the Ministry of the Environment (MOE). As discussed in more detail in the *Relevant Consultation* Section of this Report, the MOE has reviewed the Hydrogeology Report and in general are supportive of the servicing strategy, however, they have requested additional minor information, but confirm that this outstanding information can be sufficiently achieved through the application of a Holding Provision. This has been included in Recommendation a)(iv) and the implementing by-law (see Appendix “B”).

Finally, staff note that the north west corner of the property contains Core Areas (Environmentally Significant Area, Provincially Significant Wetland, Stream, and Significant Woodland) identified on Schedule B of the RHOP, and are therefore subject to the policies identified in Section C.2.4.2.

“C.2.4.2                    *New development or site alteration 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, including any associated vegetation protection zone. 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 Countryside requires an Environmental Impact Statement which identifies a vegetation protection zone, according to the requirements in Sections C.2.4.10, C.2.4.11, C.2.4.12, C.2.4.13, and C.2.4.14.*”

With regard to the natural heritage features on the site, an Environmental Impact Study prepared by Natural Resource Solutions (December 2012) and subsequent Addendum (April 2013) and the Hydrogeology Study Report (November 2012) were submitted in support of the proposal.

“C.2.4.6                    *New development or site alteration subject to Sections C.2.4.1, C.2.4.2, C.2.4.3, C.2.4.5, C.2.4.7, C.2.4.8 and C.2.4.9 requires, prior to approval, the submission and acceptance of an Environmental Impact Statement, which demonstrates to the satisfaction of the City in consultation with the relevant Conservation Authority that:*

- a)     *There shall be no negative impacts on the Core Areas or their ecological functions;*
- b)     *Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape;*

- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or *site alteration* wherever possible; and
- d) The *disturbed area* of a site shall not exceed 25 percent of the total developable area, except for golf courses, where permitted, for which the *disturbed area* shall not exceed 40 percent of the site. Impervious surfaces to be established in such *disturbed areas* shall not exceed 10 percent of the total developable area.”

Staff are satisfied that the application is consistent with Policy C.2.4.6 which seeks to preserve and enhance Core Areas and ensure any development does not negatively impact their environmental features or functions.

The revised and expanded boundary of the feature, as determined through the environmental studies, is to be secured through the implementing zoning by-law, which captures the existing feature and buffer areas within the expanded “CM” (Conservation Management) Zone. This is detailed in Appendix “B”.

Finally, in accordance with Policy B.3.4.4., which states:

“B.3.4.4 The City shall require the protection, conservation, or mitigation of sites of archaeological value and *areas of archaeological potential* as provided for under the Planning Act, the Environmental Assessment Act, the Ontario Heritage Act, the Municipal Act, the Cemeteries Act, or any other applicable legislation.”

Staff note the Archaeological potential of the site, and notwithstanding that the current use is an operating farm, the potential for more significant soil disturbance through the construction of the Agricultural Promotion Centre warrants further review and assessment. This review will be required at the Site Plan stage, in order to ensure local and provincial interest has been addressed.

Based on the above, staff are satisfied that the proposed development conforms to the policy framework and objectives of the RHOP.

## **RELEVANT CONSULTATION**

The following Agencies/Departments Having no Comment or Objections:

- Hamilton Municipal Parking System (Planning and Economic Development);
- Traffic Engineering (Public Works);
- Recreation Planning (Public Works); and,
- Infrastructure and Source Water Planning (Public Works).

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The following agencies/departments provided the comments detailed below.

**Hamilton Conservation Authority**

The Hamilton Conservation Authority (HCA) staff noted that there are portions of the property that are regulated by the HCA for Provincially Significant Wetlands (PSW) and a watercourse that exists on the subject property. HCA staff noted that new development will require the written approval of the HCA.

The property is also located within the Greenbelt Plan Area and is designated as Protected Countryside and Natural Heritage System. The boundary of the Natural Heritage System roughly conforms to the PSW boundary and the boundary of the Millgrove South Woodlot Environmentally Significant Area (ESA).

Following review of the EIS and subsequent addendum, and the scoped Hydrogeology study HCA staff have confirmed that they are satisfied and have no further outstanding concerns with respect to the application.

**Ministry of the Environment (MOE)**

Given the scale of the private services proposed, review and approval of the system rests with the MOE. The MOE have reviewed the submitted Hydrogeology Report and follow up addendum report and in general are satisfied with the conclusions.

However, a number of additional items for review have been requested and subsequently submitted by the applicant. At the time of writing this Report, review of the additional information had yet to be concluded by the MOE, however, given the nature of the outstanding concerns, the MOE confirmed that the final approval of the information could appropriately be dealt with through the use of a Holding Provision.

As detailed in Appendix “B”, a Holding Provision has been recommended and includes the requirement for final approval of the Hydrology and Servicing Report to the satisfaction of the MOE.

**Environmentally Significant Areas Impact Evaluation Group (ESAIEG)**

The proposal was reviewed by ESAIEG at their meeting of April 18, 2013. Staff and ESAIEG agree with the proposed 10-metre Vegetation Protection Zone (VPZ) from the ESA adjacent to the house, since there is just a thick strip of woodland between the house and the field, and the area is already disturbed. The 30-metre Vegetation Protection Zone (VPZ) from PSW and ESA are also acceptable and comply with the requirements of the Greenbelt Plan and RHOP.

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The EIS does not address the potential impact from changes to surface and ground water flows and quality to the stream and wetland as a result of the development. It is, however, understood that a storm water management plan will be prepared as part of a future site plan and will satisfy this concern. In addition, as part of the Site Plan process, ESAIEG recommended two conditions, which are:

1. That a planting plan for the buffer of the north wetland be submitted to the City and ESAIEG for review.
2. That the plant list/table presented in the EIS be revised to show only those species that were actually observed within this portion of the ESA rather than those that have been documented from the entire ESA.

These conditions will be imposed at Site Plan Stage through the review of the Agricultural Promotion Centre.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 35 individuals within 120 m of the subject lands on January 25, 2012. Following this circulation, two letters were received.

The following concerns were raised:

- Impact of Livestock with respect to MDS and contamination of surface run-off;
- Impact on the water table;
- How will the development affect traffic;
- Property Tax increase and Property Value; and,
- Request for a Wetland Study.

These concerns are discussed in detail in the Analysis and Rationale Section of this Report.

The Notice of Public Meeting was also circulated on November 21, 2014 in accordance with the provisions of the Planning Act.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed change and modification in zoning have merit and can be supported for the following reasons:

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- (i) It is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
  - (ii) It conforms to the Rural Hamilton Official Plan and in particular the Agricultural Designation;
  - (iii) The proposed development is considered to promote and protect the continued agricultural use of the lands and would be compatible with the existing and planned development in the immediate area; and,
  - (iv) The proposed development represents good planning by providing a range of agricultural and secondary uses in a manner that protects the natural environment and stimulates the agricultural economy.
2. The proposed development consists of providing a number of secondary farm uses to an existing farm. Primarily, the application is to permit an Agricultural Promotion Centre that seeks to educate and promote the existing agricultural operations on the property and provide for the education and promotion of good farm practices and food production in Ontario. This would be delivered through centralized buildings onsite, offering tours, tasting kitchen/culinary workshop and education centre.
3. As detailed in the Planning Justification Report, the intent is to farm the existing property, ranging from livestock, orchards to crop production. The central portion of the property is currently under crop production and will continue in this manner. The owners of the site have partnered with FarmStart Ontario, a Provincially and Federally supported farm economic development program, to educate and encourage full time farming as an occupation.

Currently, FarmStart has leased approximately 20 ha (50 ac) of the farm, which will be divided into smaller (1-2 ac) parcels for leasing purposes. New farmers enrolled in the program would be required to rent these smaller parcels and develop a business plan that details the economic viability of their crop production. These new farmers are in turn, trained in all aspects of the business of farming, from planting to sale of final product. The ultimate goal is to foster and promote farming as a career, and encourage increased production of food products grown by local farmers.

The rear portion of the property will be devoted to a small, onsite livestock operation of approximately 8 ha (20 ac). The livestock will not be processed onsite, and instead the proposed butchery will sell meats that have been rendered offsite.

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4. In evaluating the planning merits of the proposed development, the overriding issue is essentially the scale and nature of the Secondary/Agri-tourism uses. Clear direction is contained in the relevant policy framework documents that identify that these uses need to support, but be secondary, to the principal use of the land – that of agricultural production.

As articulated within the submitted Planning Justification Report, a secondary and symbiotic relationship would exist between the Agricultural Promotion Centre and the working farm. The focus on education is shared both with the new farmers and for the visitors to the centre. The education will seek to promote both directly (with the new farmers) and indirectly (tourists/visitors) the role of farming in Ontario. The crops produced will be sold partly onsite, providing continued financial sustainability for the farming operation, as well as prepared in the ‘tasting kitchen’, in order to highlight the role and diversity of locally grown food.

This is considered an appropriate diversification which, provided the scale of the operation is controlled and limited through the amending by-law (see Appendix “B”), would satisfy the requirements for the uses to remain secondary. The uses would be limited in GFA and would be clustered within the site (see Appendix “C”). This would serve to ensure the majority of the lands continue to be utilized for agricultural production. The by-law would also require that the secondary uses be permitted only accessory to an operational farm and not as uses independent of the farm operation.

In addition, given the specific nature of the uses and the importance of ensuring the buildings are used for the purposes intended, a number of the requested uses have also been defined within the amending by-law. The proposed umbrella term of “Agricultural Promotion Centre” has therefore been clearly articulated and defined within the amending zoning by-law (see Appendix “B”).

The original application proposed buildings as follows:

Hospitality Room and Presentation Centre	1,300m <sup>2</sup>	(14,000 sq.ft.)
Restaurant and Commercial Kitchen	800m <sup>2</sup>	(8,600 sq.ft.)
Agricultural Education /Promotion and Visitor Centre	900m <sup>2</sup>	(9,700 sq.ft.)
Retail Sales	450m <sup>2</sup>	(4,850 sq.ft.)
Cidery	600m <sup>2</sup>	(6,500 sq.ft.)

A comparison of other municipalities was conducted in order to understand in greater detail, the approach and treatment that had been taken with similar proposals. While this project is unique, it was considered that wineries with additional uses - such as restaurants with retail sales, presented similar considerations with respect to secondary and agri-tourism uses. Comparative



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areas included Lincoln, Niagara-on-the-Lake, Niagara, and Halton Hills. Similar to the discussion and assessment contained within this Report, the substantive criteria for the assessment within the varying policy frameworks rested on the relationship of the two uses being mutually compatible, and the scale being appropriate, in order to protect both the primary use of the land for agriculture and the character of the area in general.

Staff note that the City of Hamilton is in the process of reviewing comprehensively the draft Zones for the Rural area, with the intent of incorporating these into Zoning By-law No. 05-200. With particular reference to an “Agricultural Cidery/Winery” it is noted that a number of secondary uses are permitted within the definition, but that the inclusion of a restaurant would require a site specific rezoning. The concern, as reflected in the RHOP policies, is the loss of lands designated “Speciality Crop”. With respect to the subject application, the lands notably are not considered “Speciality Crop” and further, as discussed below, that the loss of Prime Agricultural land is limited through the control of GFA of all uses, particularly the restaurant, which, in itself, is limited to 500 sq m (see Appendix “B”).

Therefore, staff are of the opinion, based on a thorough review of all applicable policies, that the range of uses proposed would satisfy the intent and focus of the prevailing policy framework. The uses represent a unique development that intends to promote and protect the farming industry. However, staff remain concerned with regards to the scale of the development proposed, in particular the size of the restaurant and retail sales. The concern being that it is beyond the appropriate scale required to ensure it is secondary to that of the farming use. To this end, staff are recommending a number of GFA limitations. This would apply to the use as a whole, with all buildings associated with the Agricultural Promotion Centre capped at 1600 sq m.

In addition, individual components of the use have been further restricted in allowable GFA. At 800 sq m, the proposed restaurant would be large and is certainly a use that could exist independent of the farm. While it is intended to showcase locally grown food, the relationship is not one that is necessarily determinative of its location within ‘Prime Agricultural’ lands. In order to better address the prevailing policy objectives, staff therefore consider that the GFA should be further limited to 500 sq m, which would be more in line with a small restaurant and more apt in terms of scale. A smaller restaurant is considered to maintain its role as secondary to the primary agricultural use. Furthermore, as with all the proposed secondary and agri-tourism uses, the restaurant will only be permitted as an accessory use to that of the farming operation (see Appendix “B”).

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Similar to the discussion above, the portion of the site dedicated to accessory retail sales, while as a use is considered complimentary to the execution of the proposal, is at a scale that if not prescribed in the by-law could expand unchecked to a point in which it may compromise the primary use of the lands. As such, staff recommend that this use be limited in size to 450 sq m. This size and scale would maintain a more modest grouping of buildings consistent with the On-Farm Secondary Use policies contained within the RHOP.

Staff do note the provision of a significant number of parking spaces, and acknowledge given the uniqueness of the use, as defined by the amending by-law, specific parking requirements have not been recommended for each individual component of the proposed use, but instead is to be applied to the use in general – that of an Agricultural Promotion Centre. However, in keeping with the intent to limit the amount of land taken out of agricultural production, the amending by-law has included a parking provision that identifies both a minimum (80 spaces based on 1 space per 20 sq m), as well as a maximum amount (340 spaces based on concept plan). Furthermore, in order to provide flexibility and limit the overall area paved onsite, parking areas will be permitted to be either gravel or permeable pavers.

Based on the above provisions being implemented, staff are of the opinion that the development in its entirety would satisfy and implement the prevailing policy framework.

As detailed in the amending By-law, there is a modified setback for the location of the proposed greenhouses. The reduction from 15 m to 1.5 m is in order to recognize the two zones on the property (both the Modified “A” (Agricultural) and the “CM” (Conservation Management) Zones). The overall distance from the property boundary would maintain the general intent of the existing 15 m setback, and as such, the reduction is considered a technical requirement.

#### Holding Provision

A Holding Provision has been recommended in order to ensure sufficient approvals are received from the MOE with respect to hydrology and final servicing requirements to the satisfaction of the MOE.

#### Site Plan

Finally, staff note that portions of the development will be subject to site plan approval. The buildings and structures associated with the Agricultural Promotion Centre, as well as the proposed greenhouses and hoop barns, will be formally reviewed. During this review, site functionality, archaeological potential, site design and layout, as well as other matters, will be considered.

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5. The Public Consultation section of this Report noted that two letters were received. The letters expressed concern over traffic, property taxes and land values. In addition, a number of comments and concerns were raised through the Neighbourhood meeting which was held on September 26, 2013. A review of the comments from the public is discussed below.

Minimum Distance Separation, Odours and Contamination

The provision of a new livestock area at the south-easterly portion of the property has been reviewed based on the information submitted by the applicant. Given the number of proposed livestock and location of barns and manure storage, it is considered to conform with the MDS formulae and would protect against noxious impacts from both odours and nitrates.

Traffic and Parking

The application was circulated to Corridor Management for review. Based on the location and type of development proposed, a traffic study was not required. Staff are satisfied that the development would function safely and without adverse impact with respect to parking and traffic matters. It was noted however, that there is a recommendation to close Concession Road 4 West at the Highway 6 intersection as a result of the future New East-West Road Corridor which is to connect with Highway 6 just north of Concession Road 4 West.

The recommendation to close this intersection is based on the MTO requirement that the number of existing intersections along Highway 6 in this area cannot be increased due to public safety concerns and the impacts that an additional intersection would have on traffic operations on Highway 6. The closing of Concession Road 4 West is not required by MTO until the New East-West Road Corridor is constructed at the Highway 6 intersection. The timing of the construction is not known at this time. Notwithstanding the above, staff do not consider this outcome to detrimentally affect the functionality of the site or amenity of the area.

Land Values

Staff are not aware of any empirical evidence, that this development would have any detrimental impact on the land values within the area.

Servicing

As discussed within this Report, staff are satisfied that sustainable services will be provided subject to additional detail and information secured through the Holding Provision. Given the scale of the services, approval of the system ultimately rests with the MOE, who are supportive of the development subject to the application of a Holding Provision.

#### Water Table

Based on the size of water demands of the proposal, final approval of the system rests with the MOE. As discussed in more detail in the *Relevant Consultation* Section of this Report, the Ministry of the Environment has reviewed the Hydrogeology Report and in general are supportive of the servicing strategy, however, they have requested additional minor information, but confirm that this outstanding information can be sufficiently achieved through the application of a Holding Provision.

#### Wetland Study

As discussed within the Report, the ecological features of the site, including the wetland, have been reviewed through the submitted Environmental Impact Study prepared by Natural Resource Solutions (December 2012) and subsequent Addendum (April 2013). The buffer (varying from 10 m to 30 m) from the feature has been approved by staff and the Hamilton Conservation Authority.

### **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could be developed in accordance with the existing “A” (Agricultural) Zone which permits a number of Agricultural and Agricultural related uses.

### **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**

- 1.1 Continue to grow the non-residential tax base.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 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.
- 2.3 Enhance customer service satisfaction.

**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**

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.
- 3.2 Build organizational capacity to ensure the City has a skilled workforce that is capable and enabled to deliver its business objectives.
- 3.3 Improve employee engagement.
- 3.4 Enhance opportunities for administrative and operational efficiencies.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map.
- Appendix “B”: Draft Zoning By-law Amendment.
- Appendix “C”: Concept Plan.
- Appendix “D”: Abutting Landowner letters.

:EJ/tp