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By Email: [Ida.Bedioui@hamilton.ca](mailto:Ida.Bedioui@hamilton.ca)

City of Hamilton

City Clerk's Office

**Attn: Chair and Members of Planning Committee**

1<sup>st</sup> Floor, 71 Main Street West

Hamilton, Ontario

L8P 4Y5

Dear Chair and Members of Planning Committee:

**Re: Public Meeting: Amendments to the Rural Hamilton Official Plan and  
Hamilton Zoning By-Law No. 05-200  
Hotz and Sons Limited – Written Comments  
Our File No. 13447**

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We are the solicitors for Hotz and Sons Limited ("Hotz"). Hotz owns approximately 26 hectares of land on Part of Lot 4, Concession 5 in the former Town of Glanbrook (the "Hotz Lands"). The municipal address is 9255 Airport Road.

The majority of the Hotz Lands are located within the Hamilton Urban Area. The southwestern portion of the Hotz Lands, generally located north of White Church Rd W and west of Hwy No.6, are in the Rural Area (the "Rural Hotz Lands"). The Rural Hotz Lands are within the area generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road that is currently proposed to be included in Zoning By-law 05-200 (the "Rural Zoning By-law").

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

According to Map 189 of Schedule 'A' provided in an attachment to correspondence to Hotz from the City of Hamilton (the "City") dated September 1, 2015, the Rural Hotz Lands are proposed to be zoned A1 and P7. Hotz objects to the proposed zoning on these lands. All of the Hotz Lands are subject to the Mountaingate Community residential plan of subdivision application that is currently before the City (the "Application"). The Application includes proposed zoning for the Rural Hotz Lands that would permit a Stormwater Management Pond ("SWM Pond"). It has long been understood that a SWM Pond would be located on the Rural Hotz Lands. In fact, the planned SWM Pond predates the Application and is intended to benefit other landowners in addition to the Mountaingate Community.

The proposed P7 zoning is inconsistent with the December 2014 Revised Environmental Impact Assessment ("EIA") prepared by Savanta in support of the Mountaingate Community which determines this is not a key hydrologic feature. The P7 zoning is directly linked to the identification of a Key Hydrologic Feature in the Rural Hamilton Official Plan. As recently as June 10, 2015, the City's Natural Heritage Planner has indicated support for the Revised EIA and removal of Core Areas where their functions and features will be replicated through stormwater management areas. The Niagara Peninsula Conservation Authority ("NPCA") has also confirmed in correspondence dated February 21, 2014 that the EIA has demonstrated, "no negative impacts to the natural heritage features and their hydrologic and ecologic functions under NPCA Policies." Proceeding with re-zoning these lands in the middle of this active evaluation process before the City is at best premature.

We are respectfully requesting that the zoning for the Rural Hotz Lands be deferred so that the zoning for these lands can be properly considered in the context of the Application which is currently before the City.

Yours truly,



Scott Snider

SSskjm  
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