

WELLENREITER & WELLENREITER

Barristers, Solicitors & Notaries Public

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DEREK P.G. JANZEN, B.A. (Hons.), J.D.
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December 2, 2015

City of Hamilton
City Hall, 1st Floor
71 Main Street West
Hamilton, ON L8P 4Y5

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No. Of Pages:

Operator's Name: Kristie

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ATTENTION: Planning Committee dealing with the Provincial Plan Review on Greenbelt policies concerning boundary changes on a five year basis as opposed to ten years.

Dear Sir/Madam:

Re: Proposed Urban Area Boundary Expansion
Part Lot 2, Concession 3
513, 531, 545 Dundas Street East and 518 Parkside Drive
City of Hamilton
Our File No. R-21969/11

We represent the above-noted five property owners at the above-noted locations. We have caused submissions to be made through our planning consultant, Nancy Friday, of Wellings Planning Consultants Inc.

In this regard, we have also sent correspondence to two of the Ministers, having charge of the subject. Please see the enclosed letters.

We understand you are meeting on Thursday December 3, 2015.

Would our consultant, Nancy Friday, be permitted to attend to make submissions?

We thank you.

Yours very truly,
WELLENREITER & WELLENREITER

Per:



Anthony Wellenreiter*

AW:kw

Encl.

cc - Nancy Friday - c

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December 2, 2015

The Honourable Bill Mauro
Minister of Natural Resources and Forestry
(Via Ministry of Municipal Affairs and Housing)
Ontario Growth Secretariat
777 Bay Street, Suite 425, 4th Floor
Toronto, ON M5G 2E5

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Operator's Name: Kristie

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Dear Minister:

**Re: Proposed Urban Area Boundary Expansion and the Greenbelt in Hamilton
Part Lot 2, Concession 3
513, 531 and 545 Dundas Street East and 518 Parkside Drive
City of Hamilton**

We represent the owners of the above-noted properties.

The Ministry of Natural Resources and Forestry (MNR), in consultation with the Niagara Escarpment Commission (NEC), accepted proposals for changes to urban boundaries within the Niagara Escarpment Plan (NEP) Area as part of the 2015 Co-ordinated Provincial Plan Review, as provided for under the Niagara Escarpment Planning and Development Act.

The NEC staff identified ten (10) evaluation criteria for assessing proposed urban-related amendments to the NEP. Based on the NEC's evaluation criteria, MNR requested that the NEC provide advice on the urban amendment proposals during the first phase of consultation (February to May 2015).

On behalf of four (4) landowners (lands adjacent to the Waterdown Escarpment Urban Area), we submitted an urban boundary proposal to the NEC on May 28, 2015 which consisted of an application to amend the NEP accompanied by the required Planning Justification Statement (PJS). The PJS addressed each of the ten (10) evaluation criteria.

Given the request to expand the Escarpment Urban Area boundary and the City of Hamilton Urban Area boundary, we requested that the submission be deferred to permit the City of Hamilton time to process the proposal as part of the next Five Year Review of the Hamilton Official Plan. In other words, the application would be held in

abeyance until such time as the City of Hamilton initiated a Five Year Review of their Official Plan, which will take place well before the next ten (10) year review of the NEP.

The NEC staff prepared a Staff Report titled: "Evaluation of Urban Amendment Requests Submitted during Phase 1 of Consultation for the Co-ordinated Land Use Planning Review" dated October 15, 2015. Page 2 of the report states: "While some proposals may proceed and be included in the second round of consultation for the Co-ordinated Review anticipated for early 2016, it is possible that the Minister may defer others until after the Co-ordinated Review to allow proponents additional time to gather the necessary planning and/or technical documentation to support the proposal."

The NEC did not support the subject proposal as it was their opinion that it does not meet NEC evaluation criteria. Therefore, the proposal will not proceed to a second phase of consultation and it will not be deferred to be processed outside of the 2015 Co-ordinated Provincial Plan Review. This recommendation does cause hardships for the landowners.

We are not only dissatisfied with the recommendation to the Minister but we are also dissatisfied with the process leading up to that recommendation.

The NEC staff report contains little to no analysis of the PJS submitted on the landowners' behalf. The evaluation prepared by NEC staff states:

- Portions of the subject land are traversed by tributaries of Grindstone Creek, and contain unevaluated wetlands and floodplain associated with the creek. As a result, a large portion of the subject lands are regulated by the Conservation Authority;
- Significant woodland is present on one of the properties; and
- The Hamilton Rural Official Plan designates the lands as "Rural."

The reasons given for the recommendation to "not support" the proposal are not, in our opinion, just. With all due respect, the evaluation criteria did not state that if lands contain Conservation Authority regulated areas or significant woodlands the evaluation criteria will be considered not met. The PJS recognizes the natural features on the subject lands and states: "As part of a more comprehensive planning justification, the impact on the natural environment will be assessed in the Environmental Impact Study prepared for the subject lands." The subject lands are designated "Rural" in the Hamilton Rural Official Plan because they are not currently in the Urban Area. The request is to consider and evaluate the subject lands and apply a Niagara Escarpment Urban Area designation. It would seem counter-intuitive to not support a possible urban area designation because the lands are currently designated rural.

The City of Hamilton will need to determine, in the next Five Year Review of the Official Plan, if additional lands are required to be added to the Urban Area boundary to

support the projected population of the City. As part of this Urban Area Review, the best location to expand will be ultimately decided by City Council, in consultation with Provincial agencies.

We respectfully request that the Minister place the subject proposal in the "Defer until after the Co-ordinated Review" category to allow the matter to be addressed in the next City of Hamilton Official Plan Review to allow due process to occur.

We will appreciate acknowledgement of our clients concern.

We thank you.

Yours very truly,
WELLENREITER & WELLENREITER

Per:



Anthony Wellenreiter*

AW:kw

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December 2, 2015

The Honourable Ted McMeekin
Minister of Municipal Affairs and Housing
Ontario Growth Secretariat
777 Bay Street, Suite 425, 4th Floor
Toronto, ON M5G 2E5

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