



F O T H E R G I L L P L A N N I N G & D E V E L O P M E N T I N C .

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October 5, 2015

Ms. Joanne Hickey-Evans
Manager, Planning Policy and Zoning By-law Reform
Planning Division
Economic Development Department
City of Hamilton
71 Main St. W.
Hamilton, ON L8P 4Y5

Dear Ms. Hickey-Evans:

Re: Greenbelt Plan Submissions

I have been retained by Mr. and Mrs. Bartels, who own a property at 623 Shaver Road which is within Part A of Area 1. This is within an area identified by staff which should be considered to be added to the Greenbelt Plan. Based on my review of the site and the policies of the Greenbelt Plan, I do not concur with the staff recommendation. It is my opinion that Area A in its entirety should remain outside of the Greenbelt Plan.

Section 1.1 of the Greenbelt Plan identifies the intent to, among other things, provide permanent protection to the agricultural land base and ecological features occurring on this landscape. As a result, it is understood that when the lands are brought into the Greenbelt Plan, it is a long term, permanent decision that precludes the consideration of other options for this parcel in the long term. Therefore, any attempt to eliminate these options must be carefully considered within the context of alternatives that may be available for this site. Given the permanency of Provincial plans such as the Greenbelt Plan, as opposed to the temporary nature (i.e. 20 year time horizon), of the City of Hamilton Official Plan, consideration of options that are beyond the time frame of existing Urban Official Plan must be considered.

It is understood that the subject lands are Prime Agricultural Lands and have been and continue to be used for agricultural purposes. Given that the lands are currently within the limits of the Urban Hamilton Official Plan and given the history of the site, it is expected that agricultural uses will continue for the foreseeable future. Therefore, leaving the lands out of the Greenbelt Plan does not necessarily signal the loss of agricultural production in the short term.

In viewing the agriculture use within the context of surrounding lands, it is evident in the map prepared identifying Area 1 that Part A is not only surrounded by existing urban uses, but also is somewhat separate and isolated from larger uninterrupted tracts of agricultural land to the south and east. The natural features which define the southern limit of Parcel A provide a functional and visual separation from this parcel to the balance of agricultural lands in the Rural Area. If Parcel A were to be considered for non-agriculture uses, the existing natural features to the south would provide an effective and appropriate buffer between these future uses and the continuation of long term agricultural operations in Areas B, C and further south.

Keeping the lands out of the Greenbelt Plan provides the municipality with a wider range of options with respect to considering how the long term use of the property may best fit into the overall long term evolution of the City. While it is difficult to determine the ultimate use of the site, its locational context would suggest that in the long term, uses other than agriculture may be appropriate.

The area is surrounded on three sides by urban uses and as such represents an opportunity for consideration of future urban uses. The consideration of non-agricultural uses is consistent with the evolution of development along Rymal Road throughout the Urban Area of the City. This is the only portion of Rymal Road (which runs the entire width of the City) which is not designated and/or utilized for urban uses. Notwithstanding the current boundaries of the AEGD, it is expected that over time, the limits of the AEGD would extend westerly to Fiddlers Green Road. This would further "box in" and isolate Area A and prevent opportunities for proper integration with other adjacent elements of the urban fabric. Consideration of retaining a Greenbelt designation and therefore permanent rural or agricultural form would be inconsistent with the established and planning development pattern in the City.

Further, it would be contrary to the objectives of the Provincial Policy Statement, Growth Plan, and Urban Official Plan which call for efficient use of services which are in this area and can be or have been extended for this portion of the municipality. Leaving a significant portion of a major arterial road undeveloped is also contrary to policies which promote development that encourages the use of transit. There is a variety of policy direction in the Urban Hamilton Official Plan which encourages major development along major arterial roads. Leaving this one portion of land along this major arterial would be inconsistent with the intent of the Plan.

It is noted that this area is not constrained by the NEF28 Noise Contour which could provide a constraint to lands to the south. Further, if this area is considered for future urban uses, the existing natural features that separate Areas A and B can be protected through that process.

On the other hand, other than being used for agriculture, there are no special site characteristics that would lead to a conclusion that the introduction of these lands will have any significant impact on the form or function of the Greenbelt Plan, if added to the Plan.

The addition of inappropriately located land into the Greenbelt Plan undermines the integrity of the Plan. Some of those lands included in the Greenbelt Plan north of Highway 8 in Stoney Creek provide an example of inappropriate placement of lands in the Greenbelt Plan. As well as undermining the integrity of the plan, inappropriate designations simply sterilize properties because of the expectation of future amendments. This uncertainty mitigates against investment in the property for agricultural types of uses and services no useful public purpose. I would suggest that any attempts to add these lands into the Greenbelt Plan create the same inappropriate situation.

In summary, it is my opinion that these lands, if placed in the Greenbelt Plan, will eliminate the consideration of a number of options which in the long term may provide a greater public benefit in terms of development opportunities and consistency of urban intensification than if the lands were placed into the Greenbelt Plan.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCIP, RPP
President

cc. Ben and Ingrid Bartels