



December 2, 2015

File No: 15136

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

Attention: Ms. Ida Bedioui
Legislative Co-ordinator

Re: Portion of 658 Highway No. 8
City of Hamilton (Former City of Stoney Creek)
Greenbelt 2005 Review
Delegation regarding Staff Report PED15078(a)

On behalf of DiCenzo Construction Limited, GSP Group respectfully requests the following documentation to be received by the City of Hamilton Planning Committee and deemed part of the public record.

The land which are the subject of this submission (Scoped Site), are a portion of municipal address 658 Highway No. 8 in Stoney Creek. This scoped Site abuts the entire frontage along Regalview Drive to a depth reflective of the single detached lots fronting the west side of Regalview, approximately 35m (115ft) in depth which could total approximately twenty (20) single detached lots. The Scoped Site comprises approximately 1.3ha (3.2ac) taken from the 11.58ha (28.61 ac) overall parcel.

The site forms the southeast quadrant of the Highway No. 8 and Fruitland/Regalview Drive intersection. All other three quadrants of this intersection are within the City of Hamilton urban boundary and the intersection is noted as a 'Minor Gateway' within the Fruitland-Winona Secondary Plan Mapping.

The Scoped Site is within the Rural Official Plan and currently designated 'Niagara Escarpment Plan Area' within the Greenbelt Plan and designated 'Escarpment Protection Area' within the Niagara Escarpment Plan (NEP).

Lands within the NEP are part of the Greenbelt, but are governed by their own legislation, the Niagara Escarpment Plan. An amendment to the Niagara Escarpment Plan from *Escarpment Protection Area* to *Urban Area* is being requested at this appropriate time, during the coordinated Provincial Plan Review.

The City of Hamilton Greenbelt Boundary Review Report prepared by Dillion Consulting dated November 2015 outlined lands that were excluded from review for removal from the Greenbelt. These lands included any lands within the Niagara Escarpment Area, therefore the subject Site was not contemplated for removal.

Pertaining to the Site, the Report indicated that the proposal was "To re-designate a 1.3 hectare portion of an 11.6 hectare property from Escarpment Protection Area to Urban Area to allow for a residential subdivision." Staff's recommendation was to "Not Support" the application, stating it does not meet evaluation criteria:

- The Commission does not support further encroachment of Urban Area on Escarpment Protection Area, and
- The proponent contends that the lands were always intended for residential development; however this predates finalization of the NEP boundary in 1985.

After reviewing the above Report and recommendation, I prepared a formal response to comments and provided copies to the Clerk. It was determined that written comments were not allowed to be circulated at the meeting and my response submission was not distributed to the Commission.

The NEC approved Staff's recommendation to not support the submission and this recommendation has been forwarded to the Ministry.

My response to the above described evaluation criteria noted that the Staff Report indicated that support for site specific amendments to encroach with the Escarpment Protection Area were permitted on other applications, and we respectfully request the same contemplation regarding our submission. As well, I highlighted that the timeline for both the NEP boundary and the development approvals for Regalview Drive overlap.

Summary

The development approvals (Subdivision Agreement and Servicing works for the adjacent development acknowledging development on the Scoped Site) were achieved during the NEP boundary implementation and, given that the boundary follows the parcel/road alignment, refinement to the location based on the detailed site assessment may have been overlooked. We believe a high level boundary limit was applied and the intention for development, implemented through the engineering works and agreements signed by the former Region and Municipality were overlooked.

At the NEC meeting, a statement was repeated that the NEC are only a commenting agency and that their comments are one in many submissions provided to the Ministry. I do not agree. The comments submitted by governing authorities can be reviewed in high regard at the Provincial level. I found it challenging to have an appropriate dialogue with the NEC regarding the Site.

Now, at the ten year coordinated review of the Greenbelt Plan and Niagara Escarpment Plan, it is appropriate to assess the boundary limits of the Greenbelt Plan, and review the designations within the Niagara Escarpment Plan.

Knowing that these lands were contemplated by the former City of Stoney Creek, now City of Hamilton to be included within the Urban Boundary, and upon review of the above and attached justification, we invite the City's endorsement of the review of the Scoped Site to be

Analysis was not provided in the Dillion Report for lands that were requesting an amendment to a NEP designation. The proposal would indicate that the Scope Site will remain identified in the Greenbelt but with an Urban Designation within the Niagara Escarpment Plan.

GSP Group provided a review based on the criteria outlined to remove the lands from the Greenbelt. This criteria was used as a guideline to provide a similar comparison to other lands being analyzed.

While the lands are within the Niagara Escarpment Area, the Scoped Site does not have any significant natural heritage system features separating the land from the existing Urban Area or noise contours. The Scoped Site does not have servicing constraints due to the escarpment and, in fact, as described below, is already serviced for residential development. The Scoped Site is not distant, separated, nor isolated from the Urban Area.

When the lands to the west of Regalview Drive were developed (Fruitland Meadows Subdivision, 62M-509), provisions were established to provide servicing to the Site, specifically, the installation of service laterals for single lots along Regalview Drive for water, sanitary and storm services, and cost recovery clauses with the Subdivision Agreement between the former City of Stoney Creek and the Fruitland Meadows Subdivision landowner.

An accompanying memorandum prepared by A.J. Clarke and Associates concluded that:

1. *the development of the lots with frontage (and/or flankage) on the east side of Regalview Drive was always intended by the City of Stoney Creek and the Regional Municipality of Hamilton Wentworth,*
2. *the design of existing infrastructure along Regalview Drive has already taken into account the development of these lots, and*
3. *future swm quality features proposed in the sub-watershed study for Drainage Area #5 can account for the development of these lands.*

The above information was submitted to the City, Niagara Escarpment Commission (NEC) and the Ministry of Municipal Affairs and Housing.

The NEC held a meeting on October 15th. This meeting, although open for observation, did not allow for delegations.

The NEC reviewed a Staff Report which summarized over 60 properties. Each property summary review contained an air photo and a chart detailing the Proponent, Location, Proposal, Existing NEP designation and Staff Recommendation. The various proposals were either recommended to be: "Not Supported", "Deferred until after the Co-ordinated Review", or "Supported".

A summary of the submission documents, including our justification for an Urban Area designation, was not presented at the meeting.

redesignated from Escarpment Protection Area to Urban Area within the Niagara Escarpment Plan. This redesignation would allow for the orderly completion of Regalview Drive in the manner always intended by both the municipality and the affected landowner.

Yours Truly,
GSP Group Inc.

A handwritten signature in black ink, appearing to read 'SK Knoll', written over a light blue horizontal line.

Sarah Knoll, BES, MCIP, RPP
Senior Planner

Attachments:

