



2596 Britannia Road West
Burlington ON L7P 0G3
905.336.1158 Fax 905.336.7014
conservationhalton.ca

March 16, 2012

Ms. Delia McPhail
Planning & Economic Development
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

AND

Mr. Scott Baldry
Secretary-Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. McPhail & Mr. Baldry:

**Re: 100 Sunnycroft Court
Part Lots 9, Concession III (East Flamborough)
City of Hamilton
Zoning By-Law Amendment ZAR 11-076
Severance Application FL/B-11:122
Severance Application FL/B-11:123**

Proposal

Zoning By-Law Amendment (ZAR 11-076)

To permit 2 single detached dwellings on separate lots, having frontage on Rockcliffe Road.

Severance Application FL/B-11:122 and Severance Application FL/B-11:123

The purpose of these applications is to permit the conveyance of two irregular shaped vacant parcels of land for residential purposes.

Comments on these applications were provided by Conservation Halton staff on January 30, 2012 and are applicable to the Zoning By-law Amendment application. In addition to those comments, staff provide the following comments in relation to the Environmental Impact Study.

Environmental Impact Study

Section 1.1, Site Context:

- In addition to the Natural Heritage (NH) designations for this property, there should be a discussion on the Clappison Escarpment Woods Regional Life Science Area of Natural and Scientific Interest (ANSI). The report should be updated in all sections where this additional discussion is to be included.



Section 1.2, Policy Framework:

- Staff recommend that all applicable NH designations be discussed in this section, not just the Environmentally Significant Area (ESA) when considering the need for an EIS.

Subsection 1.2.3, City of Hamilton:

- Staff note that there are additional sections of the Official Plan that should be included in this subsection. For example, the EIS discusses Section 2.3.3 however it does not include that there may need for enhancement of the feature. The discussion of Section 2.5.10 should be revised to include that a minimum 15m vegetation protection buffer is required for Significant Woodlands.
- Staff also suggest that Section 2.5.9 (a) and (b) be added to this section, as this policy is essential in the creation of an effective Vegetation Protection Zone (VPZ) and its future maintenance.

Section 5.1 Proposed Buffer:

- The report highlights that the Provincial directives in the *Places to Grow Act* which encourages infill development and providing a 15m buffer, would not allow the site to be severed into two lots (page 18). It is our understanding that the *Places to Grow Act* is not an appropriate justification to impact the natural environment. For this reason, staff do not support the use of the *Places to Grow Act* as a justification for a reduced buffer width on the property.
- Staff are concerned with the proposed 10m buffer from the ANSI, Significant Woodland and ESA. While we appreciate the current edge of the feature has been impacted historically by activities on the property, staff do not agree that this should negate the need to create a proper buffer to the woodland. Rather, we offer that it creates an opportunity for restoration of the edge and the establishment of a VPZ that would limit the potential for further future impacts. Staff recommend that consideration be given to restoring the length of the VPZ, such that it would be in keeping with the direction of Official Plan Section 2.5.9, as noted above. Planting should consist of locally native, non-invasive species suitable for the site's conditions.
- Staff recommend that an alternative location for the tractor access be considered in such a way that it would not impact the ESA and would permit restoration planting to occur in the buffer in lieu of the City's normally recommended 15m buffer. This would allow for the current agricultural activities to continue while creating a protective edge.
- Section 2.5.15 of the City's Official Plan indicates that "the City may require that applicants for development or site alteration develop a restoration or management plan for the vegetation protection zone as a condition of approval". Staff recommend that the City require a restoration plan for this buffer.
- This section indicates that an 11m buffer to the ESA is also being applied in the area where the butternut is located, however Figure 4 does not support this as it appears that the ESA is only being given approximately 4m in this area. Staff recommend that the figure be revised to reflect the recommended buffer in all areas of the ESA boundary.

Section 6, Recommendations:

- As per the concerns raised above, staff recommend that this section be revised to include a discussion on the use of the buffer and the establishment of a VPZ that provides protection to the ESA.

Figure 4

- Please revise this figure based on the above comments regarding the 10m buffer.

Peer Review Fees

Staff confirm that the total fee required as per the City of Hamilton/Conservation Halton Memorandum of Understanding has been received.

Recommendation

Based on the above, staff of Conservation Halton find these applications for rezoning and severance premature as:

Based on the above, the EIS as submitted requires additional information in order for Conservation Halton staff to confirm that the proposed applications are consistent with Policies 2.1.3 a), 2.1.4 b) and 2.1.4 e) of the PPS.

We trust the above is of assistance. Should you require further information, please contact the undersigned at Extension 260.

Yours truly,



Margaret Charles
Environmental Planner



- cc. Cathy Plosz, City of Hamilton, Planning, email
Daniel Barnett., City Hamilton, Planning, email
David Johnston, Niagara Escarpment Commission
Anne Marie Laurence, Niagara Escarpment Commission
Al Thomas, email
Metropolitan Consulting Inc, email
Renovo Watershed Sciences Inc, email

