

September 28, 2017

Steve Robichaud, MCIP, RPP  
Director of Planning  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario, L8P 4Y5

Dear Mr. Robichaud:

**RE:**

**Barton Street and Fifty Road, City of Hamilton**  
**OUR FILE: 16261C**

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We are retained as the planning consultants for 1800615 Ontario Inc. and Avatar International with respect to their lands located at the northwest corner of Barton Street and Fifty Road (the 'subject lands') in the City of Hamilton. The Subject Lands are approximately 4 hectares (9.9 acres) in size and are located adjacent to the City of Hamilton Urban Boundary within the City's "Lower Stoney Creek" area (see figure 1, attached). The lands are designated 'Specialty Crop' in accordance with Schedule D of the Rural Hamilton Official Plan.

As you may be aware, our clients were actively engaged in the Province's Co-ordinated Land Use Planning review process seeking the justified removal of these lands from the Greenbelt Boundary. These requests were supported by City Council, who also made separate comments to the Province, through the Co-ordinated Review, that these lands be removed from the Greenbelt Boundary. Despite extensive justification, including planning analysis and an analysis by a professional agrologist, these lands continue to be designated 'Protected Countryside' and 'Tender Fruit and Grape Lands' in accordance with the 2017 Greenbelt Plan.

With respect to the Subject lands, we note that on September 28, 2016, Council passed the following resolution:

*"The Lands North of Barton Street and Bounded to the East by Fifty Road*

*WHEREAS, Council supports the inclusion of the lands north of Barton Street and bounded to the east by Fifty Road in the urban area;*

*WHEREAS, a change to the urban area can only occur through a municipally initiated comprehensive review; and*

*WHEREAS, the City of Hamilton has commenced an update to the City's Growth Related Integrated Development Strategy, or GRIDS2;*

*THEREFORE BE IT RESOLVED*

*That staff, in consultation with the land owners, as part of the GRIDS2 process initiate the identification of the lands north of Barton Street and bounded to the east by Fifty Road as a strategic growth are for future development for urban uses to complete the Winona community."*

Since the Province did not remove the lands from the Greenbelt Boundary as requested, we are sending this letter to follow-up on the above-referenced Council resolution and are seeking further information and direction from you with respect to the process, timing and requirements involved to initiate the consideration of these lands as part of the Urban Boundary through the GRIDS2 exercise (i.e. is a formal application to amend the Official Plan required for this? What is the City's process for consulting with land owners on this matter?).

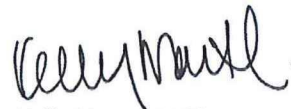
We look forward to discussing this matter with you further and will be following up to set up a time to discuss at your convenience.

Sincerely,

**MHBC**



Dana Anderson, MCIP, RPP



Kelly Martel, M.P.I

cc: Sergio Manchia, Anthony DiCenzo (1800615 Ontario Inc. c/o Avatar International)  
Heather Travis, City of Hamilton  
Councillor Maria Pearson, Chair- City of Hamilton Planning Committee  
Councillors Johnson, Farr, Partridge, Green, Collins, Conley, Pasuta, Skelly and Johnson- City of Hamilton Planning Committee  
Ida Bedioui, Legislative Coordinator- City of Hamilton

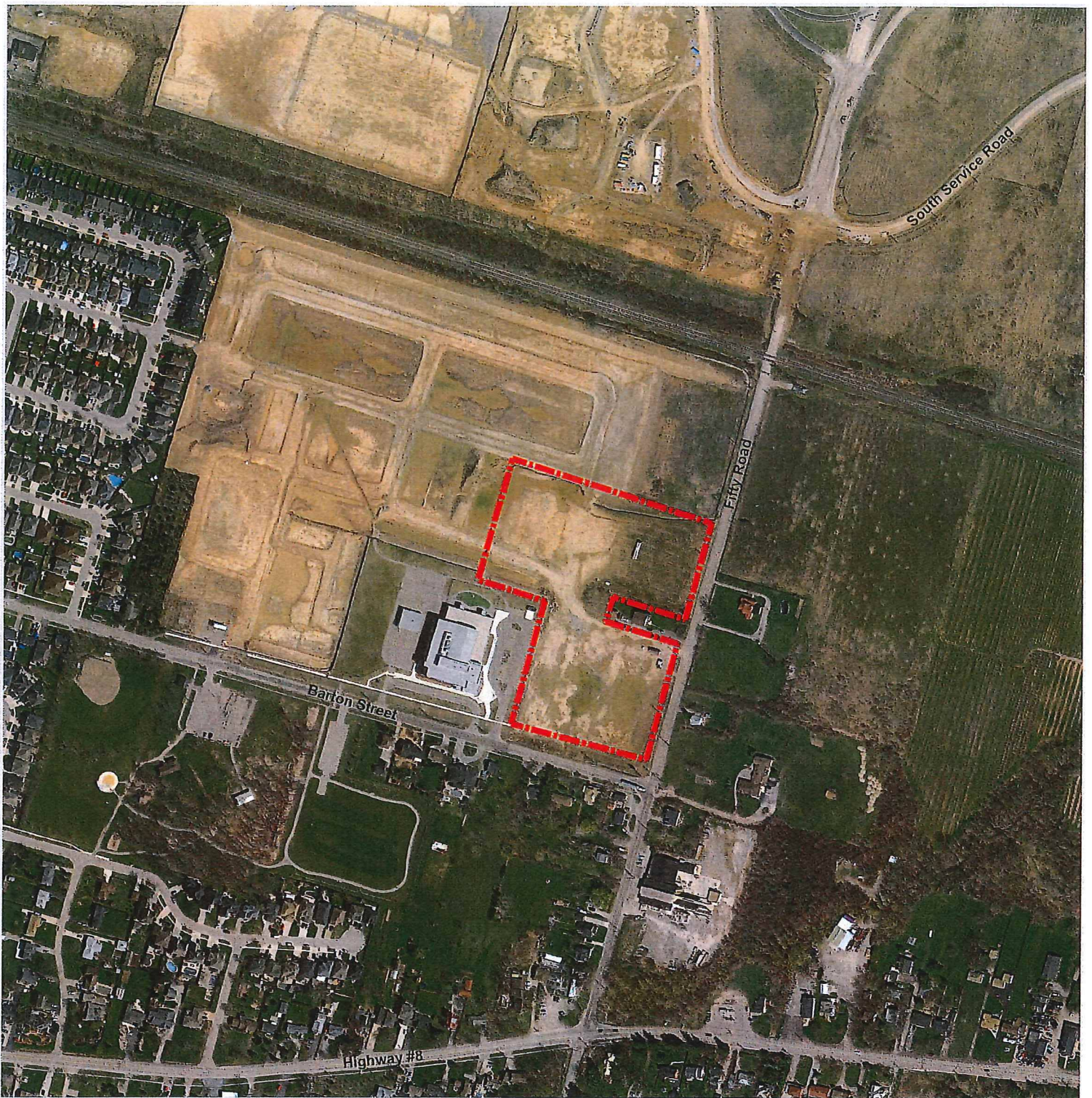



Figure 1  
**Location Map**

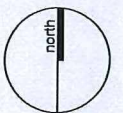
**LEGEND**  
 Subject Lands

DATE: September 27, 2017

SCALE: 1:5,000

FILE: 16261C

DRAWN: DGS



K:\16261C-AVATAR AND 1800615 ONTARIO LIMITED-FIFTY ROAD-HAMILTON\RP\LOCATION MAP.DWG

Avatar International/  
 1800615 Ontario Limited  
 Barton Street and Fifty Road  
 City of Hamilton

Base Map Sources:  
 City of Hamilton Open data and Google Earth Satellite Imagery (April, 2017)

**MHBC** PLANNING  
 URBAN DESIGN  
 & LANDSCAPE  
 ARCHITECTURE  
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 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

September 28, 2017

Ms. Helma Geerts  
Policy Advisor  
Ministry of Agriculture, Food and Rural Affairs Policy Division  
Food Safety and Environmental Branch  
1 Stone Road West  
Guelph, Ontario M1G 4Y2

Dear Ms. Geerts:

**RE: Draft Agricultural System Land Base Map- EBR Registry Number: 013-096  
City of Hamilton- Lands owned by 1800615 Ontario Inc. and Avatar International  
Barton Street and Fifty Road, City of Hamilton  
OUR FILE: 16261C**

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We are retained as the planning consultants for 1800615 Ontario Inc. and Avatar International with respect to their lands located at the northwest corner of Barton Street and Fifty Road (the 'subject lands') in the City of Hamilton. The Subject Lands are approximately 4 hectares (9.9 acres) in size and are located adjacent to the City of Hamilton Urban Boundary within the City's "Lower Stoney Creek" area (Figure 1).

Our clients were actively engaged in the Provincial Co-ordinated Land Use Planning review process seeking the justified removal of these lands from the Greenbelt Boundary. These requests were supported by City Council, who endorsed the removal of these lands from the Greenbelt Boundary in 2015 and also made separate comments to the Province, through the Co-ordinated Review, that these lands be removed from the Greenbelt Boundary. These requests were based on professional planning opinion, by both the City's Consultant (Dillon Consulting) and MHBC Planning, on behalf of our client; and, ground-truthed scientific evidence provided by both the City's consultant (AgPlan Limited, who conducted a LEAR in 2003) as well as an independent consultant retained by our clients to study their lands (DBH Soil Services Inc.).

A summary of the justification provided in these reports is highlighted below and a copy of the DBH Soil Services Inc. report is attached to this letter, for your information.

*Planning Opinion (Dillon Consulting)*

- Connects residential development planned in neighbouring areas;
- Concerns with retaining viable farms in remnant parcels;
- Potential Rapid Transit Route along Barton Street;
- Adjacent to Highway 8 potential transportation corridor expansion;
- Potential multi-modal hub north of the area;
- Contiguous with existing urban boundary;
- Existing servicing in area;

- LEAR (2005) did not identify these lands as specialty crop;

Planning Opinion (MHBC)

- Small parcel size and fragmentation from agricultural operation renders lands not viable for farm use;
- Lands are located in an area identified for future urbanization and are surrounded by urban development;
- Adjacent land uses (school, residential) pose land use compatibility issues for specialty crop production;
- City of Hamilton Council passed a resolution which supports the inclusion of these lands within the urban area and has directed staff to initiate the identification of these lands as a strategic growth area for future development for urban areas through the City's GRIDS 2 process (GRIDS 2 forms part of the City's Municipal Comprehensive Review).
- Lands are comprised primarily of Class 4 soils, in accordance with the Canada Land Inventory, and referred to as 'Non-Prime Agricultural Lands';
- LEAR assessment undertaken for the City identified the area as having low potential for specialty crop production
- Surrounding context is urban in nature;
- The lands are contiguous to urban land that contributes to forming a complete community. Surrounding development has been designed in consideration of the potential future development of the subject lands including the extension of municipal services and roads;

AgPlan Limited Report (2003)

- Relative closeness of the urban development increases the probability of conflict over some of the practical necessities associated with farming;
- The proposed Lower Stoney Creek Expansion area currently has a restricted and relatively lower potential for specialty crop production for the Study Area;
- Soil capability of the former Regional Municipality of Hamilton-Wentworth is relatively lower when compared on the average capability of agricultural lands in other Counties or Regions in Central to Southern Ontario;
- Need to use Lower Stoney Creek lands for agricultural purposes is diminished given existing economic conditions for agriculture in Southern Ontario;
- Significant differences in agricultural activity and agricultural potential are present within the Study Area;

DBH Soil Services Report (2016)

- Subject lands have not been used for specialty crop for at least 8 years and, within the past 8 years, the Subject Lands have been used in diminishing capacity and area for the production of common field crop;
- Existing soil materials on the Subject Lands are predominantly CLI Class 4 lands, or lands considered as Non-prime Agricultural Land;
- The Lands are immediately abutting an area of active development (new school and subdivision to the west and north). Agricultural lands, particularly Specialty Crop lands, that are located in areas of active development or adjacent to developed areas are prone to additional risks/challenges including trespassing, vandalism, traffic and complaints concerning common farm practices such as the use of pesticides, fertilizers and manures;
- Subject Lands lack artificial tile drainage, irrigation or topsoil layer, leading to lower soil capability;
- Adjacency to a major arterial road with connection to the QEW highway leads to potential traffic conflicts when moving farm equipment;

- Comprise 4.0 hectares of land, well below the 10 hectare minimum lot size for Agricultural Specialty Crop Zones as indicated in the City of Stoney Creek By-law No. 3692-92 (June 2015);
- Have no potential for agriculture in the existing condition; and,
- Have great potential for conflict between any potential agricultural operation at this location and the adjacent developments.

These reports have been made available to OMAFRA staff for review and information purposes throughout the Coordinated Land Use Planning Review Process. Additionally, supplemental mapping which gives contextual evidence of the above, including the location of existing and future development and transportation infrastructure, around the Subject Lands was also provided to OMAFRA and other Provincial staff. These maps are included with this letter as Figures 2 and 3, for information and review purposes. Following this submission, a meeting was also held in spring 2017 between OMAFRA staff and City of Hamilton Staff (Jason Thorne, Steve Robichaud and Joanne Hickey-Evans) to discuss these lands.

We have reviewed the Draft Agricultural System Land Base Map and we note that, despite extensive justification, including planning analysis and an analysis by professional soil and agricultural experts, which provides evidence to the contrary, the subject lands continue to be identified as Specialty Crop Area on the Draft Map (Figure 4). With surrounding land uses including residential and institutional; and, a major arterial road and planned transit hub in the immediate vicinity, it is very clear that this area is urban in nature, with limited viable farming opportunities. The Specialty Crop designation on the Subject Lands is incorrect and should be revised to reflect the reality of the existing ground conditions. These lands do not meet the Specialty Crop designation.

The City of Hamilton is currently undertaking their Municipal Comprehensive Review, which they refer to as 'GRIDS 2'. It is through this process that the City will determine its future land needs and identify areas for urban expansion to accommodate forecasted growth. With respect to the GRIDS 2 process, as it applies to the subject lands, we note that on September 28, 2016, City of Hamilton Council passed the following resolution:

*"The Lands North of Barton Street and Bounded to the East by Fifty Road*

*WHEREAS, Council supports the inclusion of the lands north of Barton Street and bounded to the east by Fifty Road in the urban area;*

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Under the current provincial framework, Specialty Crop lands are not eligible for updates and refinements during a Municipal Comprehensive Review. Given the extensive study undertaken to date by both the City of Hamilton and our clients, which provides evidence that these lands are not suitable for a

Specialty Crop designation, the Provincial mapping should more accurately identify these lands as Rural lands; and, their proper designation should occur through the City's Municipal Comprehensive Review process, at which time the Provincial Agricultural Land Base Map should be further refined to reflect the outcomes and recommendations of the City's process.

Please accept this letter as a formal request to amend the draft Agricultural Land Base Map by removing the Specialty Crop Areas designation from the Subject Lands such that they can be properly studied by the City through GRIDS 2 and the most appropriate use of the land can be determined.

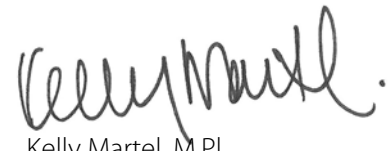
We thank you for your consideration and will follow-up with you to set up a time to discuss this request.

Sincerely,

**MHBC**



Dana Anderson, MCIP, RPP




Kelly Martel, M.Pl

cc: Sergio Manchia, Anthony DiCenzo, 1800615 Ontario Inc. c/o Avatar International  
Jason Thorne, Steve Robichaud, Joanne Hickey-Evans, City of Hamilton  
David Hodgson, DBH Soil Services Inc.  
Councillor Maria Pearson, Chair- City of Hamilton Planning Committee  
Councillors Johnson, Farr, Partridge, Green, Collins, Conley, Pasuta, Skelly and Johnson- City of Hamilton Planning Committee  
Ida Bedioui, Legislative Coordinator- City of Hamilton

Attach: State of Agricultural Conditions report, DBH Soil Services Inc.



Figure 1  
**Location Map**

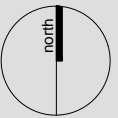
**LEGEND**  
 Subject Lands

**DATE:** September 27, 2017

**SCALE:** 1:5,000

**FILE:** 16261C

**DRAWN:** DGS



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**Avatar International/  
 1800615 Ontario Limited**  
 Barton Street and Fifty Road  
 City of Hamilton

Base Map Sources:  
 City of Hamilton Open data and Google Earth Satellite Imagery (April, 2017)

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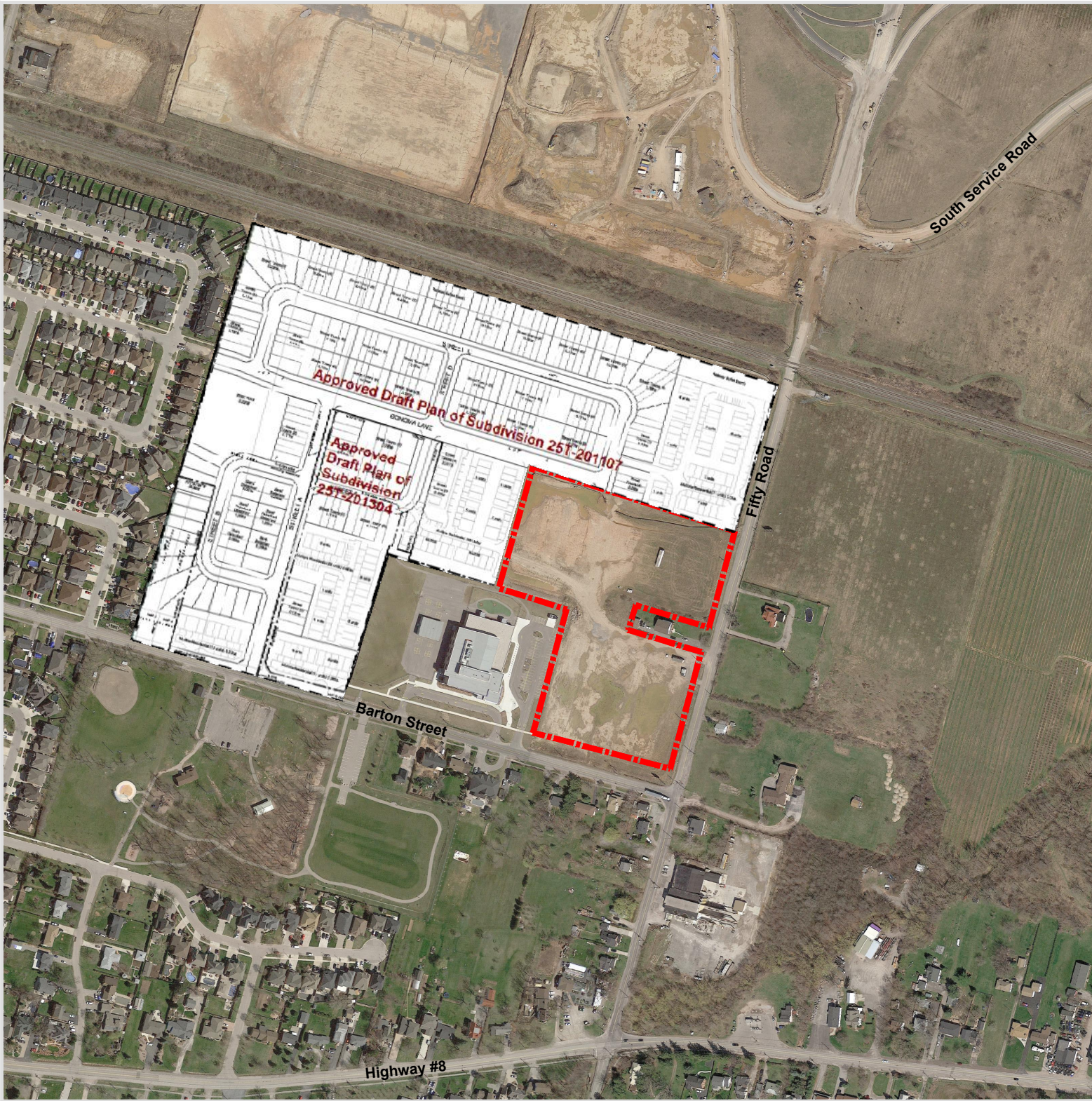



Figure 2

# Surrounding Urban Development

**LEGEND**

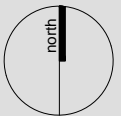
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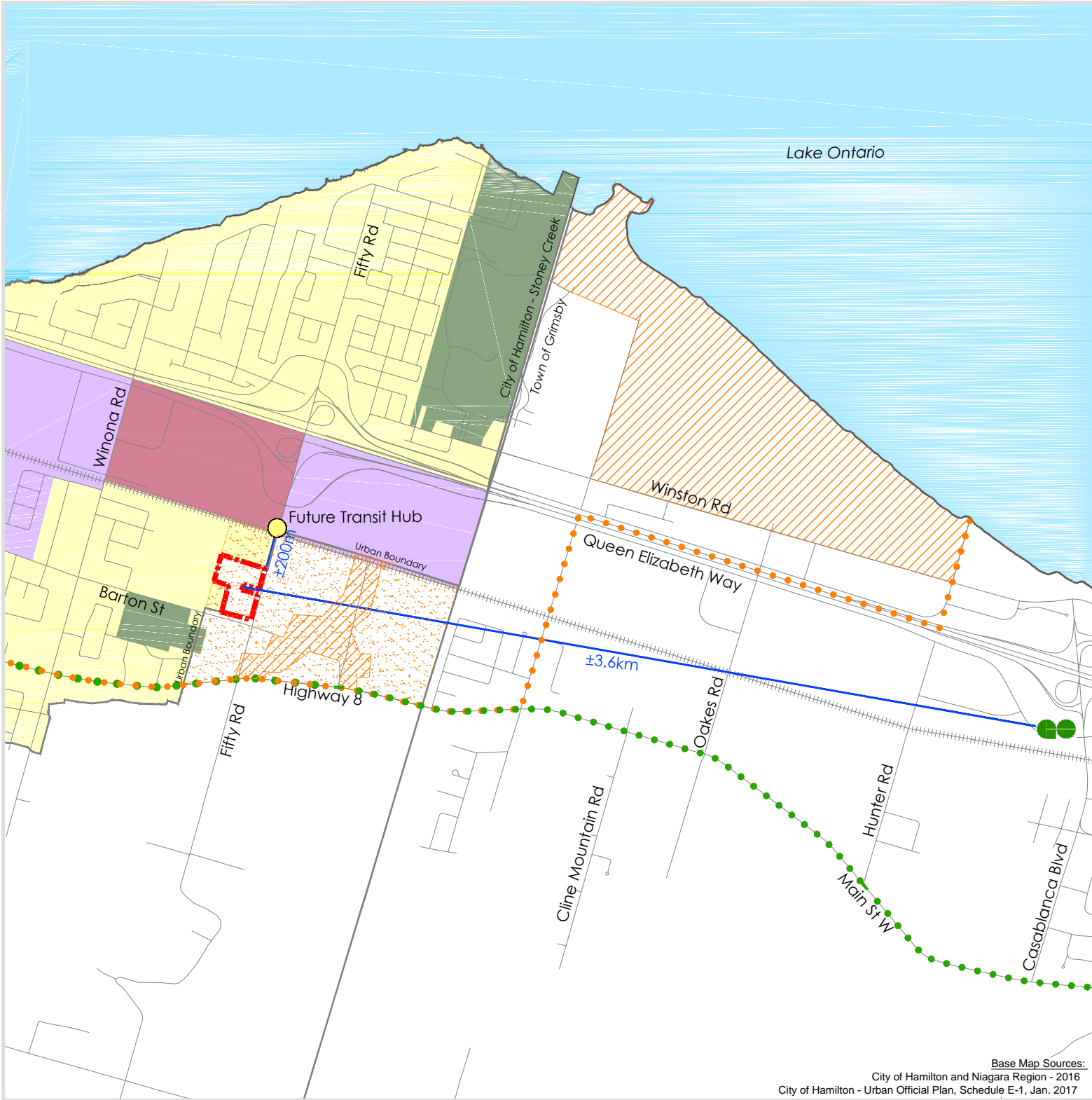


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**Avatar International/  
1800615 Ontario Limited**  
Barton Street and Fifty Road  
City of Hamilton

Base Map Sources:  
Google Earth Satellite Imagery (April, 2017)

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Base Map Sources:  
 City of Hamilton and Niagara Region - 2016  
 City of Hamilton - Urban Official Plan, Schedule E-1, Jan. 2017

Figure 3  
**Existing Land Use Designations and Future Transit Infrastructure**

**LEGEND**

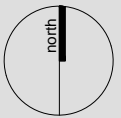
- Subject Lands
- Distances
- Niagara Escarpment Plan Boundary
- Greenbelt Protection Plan
- Limit of Protected Countryside
- Natural Heritage System
- Tender Fruit Grape
- City of Hamilton - Land Use (Urban Official Plan)
- Neighbourhoods (Residential)
- Open Space
- Business Park
- District Commercial
- Casablanca Blvd at QEW Park and Ride

**DATE:** September 27, 2017

**SCALE:** NTS

**FILE:** 16261C

**DRAWN:** DGS



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**Avatar International/  
 1800615 Ontario Limited**  
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 City of Hamilton

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Source:  
 Ministry of Agriculture and Food and Rural Affairs,  
 Ministry of Municipal Affairs and the Ministry of Natural Resources and Forestry  
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Figure 4  
**Draft  
 Agricultural  
 Land Base**

**Avatar International/  
 1800615 Ontario Limited**  
 Barton Street and Fifty Road  
 City of Hamilton

**LEGEND**



Subject Lands

Prime Agricultural Areas



Specialty Crop Area  
 Niagara Tender Fruit and Grape Lands



Prime Agricultural Areas designated in  
 municipal official plans or identified by  
 OMAFRA

Other



Greater Golden Horseshoe  
 Growth Plan Area



Greenbelt Plan Area  
 Boundary



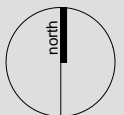
Settlement  
 Areas

**DATE:** September 27, 2017

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**DRAWN:** DGS



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 DRAFT AGRICULTURAL BASE MAPPING.DWG

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**Via email**

Avatar International & 1800615 Ontario Inc.  
1070 Stone Church Road East,  
Hamilton, ON  
c/o Mr. Sergio Manchia

March 12, 2017

Mr. Manchia:

**Re: State of Agricultural Conditions  
Property at Fifty Road and Barton Street (northwest corner)**

Further to our telephone conversations and email correspondence regarding the state of agricultural conditions at the site located on the northwest corner of Fifty Road and Barton Street in the City of Hamilton, I provide the following information.

The property is a roughly 'L' shaped parcel with a small lot removed, located at the northwest corner of Barton Street and Fifty Road in the City of Hamilton. These lands comprise approximately 4.0 ha (9.8 acres). There are no buildings located on or associated with this parcel. This parcel is henceforth referred to as the Subject Lands. The location and shape of the Subject Lands is illustrated in Figure 1 and Figure 2 (MHBC) in Appendix A.

**Introduction**

Clearly defined and organized environmental practices are necessary for the conservation of land and resources. The long term protection of quality agricultural lands is a priority of the Province of Ontario and has been addressed in the Provincial Policy Statement (2014). Municipal Governments have similar regard for the protection and preservation of agricultural lands, and address their specific concerns within their respective Official Plans. With this in mind, the *Provincial Policy Statement (2014)*, the *Rural Hamilton Official Plan (April 2014)*, and the *City of Stoney Creek Zoning Bylaw No. 3692-92 (June 2015)* were reviewed.

Further, a review was completed of the AgPlan Limited report titled "Agricultural Assessment for the Lower Stoney Creek in the City of Hamilton", prepared for the City of Hamilton in March 2003.

Additionally, a review of online imagery (Google Earth, City of Hamilton, Birdseye Imagery, Agricultural Information Atlas) was completed for the Subject Lands to determine the extent of agricultural land use and proximity to urban areas. A review of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) digital soils data for the City of Hamilton (2017), and of the Soils of Wentworth County, (Report No. 32 of the Ontario Soil Survey, 1965) was completed to determine the documented soil resources for this area.

Further, an onsite reconnaissance survey was completed on March 5, 2017 to document the state of agriculture on the Subject Lands and within the surrounding area.

**Findings**

The Provincial Policy Statement (2014) was enacted to document the Ontario Provincial Government's development and land use planning strategies. The Provincial Policy Statement provides the policy foundation for regulating the development and use of land. Agricultural policies are addressed within Section 2.3 of the Provincial



Policy Statement. Section 2.3.1 states that ‘Prime agricultural areas shall be protected for long term use for agriculture.’ Prime agricultural areas are defined as Specialty Crop Areas and Classes 1 – 3 lands with the order of preservation being Specialty Crop Areas, Classes 1, 2 and 3 in that order respectively, followed by any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

The Provincial Policy Statement (2014) defines a Specialty Crop Area as”

“Specialty crop area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.”

Official Plan policies are prepared under the Ontario Planning Act, as amended. Official Plans generally provide policy comment for land use planning while taking into consideration the economic, social and environmental impacts of land use and development concerns. For the purpose of this report the *Rural Hamilton Official Plan (April 2014)* was reviewed for issues related to agriculture. Schedule D – Rural Land Use Designations illustrates that the Subject Lands about the City of Hamilton Urban Area, and shows that the Subject Lands are at the edge of a block of lands designated as Specialty Crop. Section D3.0 of the Rural Hamilton Official Plan provides policy regarding the Specialty Crop Designation. Section 3.1 – Permitted Uses states:

“Uses permitted within the Specialty Crop designation are limited to agricultural uses, agricultural-related uses, and secondary uses, subject to all policies of Section D.2.0, Agricultural Designation of this Plan.”

Further, the *City of Stoney Creek Zoning Bylaw No. 3692-92 (June 2015)* was reviewed to determine the respective zoning for the Subject Lands. The interactive Zoning Map (online City of Hamilton) illustrates the Subject Lands as AS (Agricultural Specialty). Lands immediately to the north and west are identified as RM2-38, RM3-48, RM3-49 and I1, with RM indicating Multiple Residential. Section 5.3 of the *City of Stoney Creek Zoning Bylaw No. 3692-92 (June 2015)* provides commentary on the permitted uses on Agricultural Specialty Crop Zones, including regulations on minimum lot area of 10 ha.

The review of the AgPlan Limited report titled “Agricultural Assessment for the Lower Stoney Creek in the City of Hamilton”, prepared for the City of Hamilton in March 2003, revealed that the Subject Lands are located in an area referred to as Area 6. This area includes the lands within the boundaries of the railway tracks to the north, Fifty Road to the east, Barton Street to the south, and the edge of the existing subdivision to the west. Table 2-5 in the AgPlan Limited report indicates that Area 6 (Street Block 6) comprises 0.0 percent specialty crops, 29.3 percent common field crops and hay, 46.5 percent idle agricultural lands, and 24.2 percent non-agricultural lands.

The AgPlan Limited report also states that the “relative closeness of the urban development increases the probability of conflict over some of the practical necessities associated with farming. Conflicts over dust, noise, traffic, pesticide application and water use are likely to occur over time.”

The findings of the AgPlan Limited report are stated as follows:

- The proposed Lower Stoney Creek urban expansion area currently has a restricted and relatively lower potential for specialty crop production for the Study Area.
- The soil capability of the former Regional Municipality of Hamilton-Wentworth is relatively lower when compared to the average capability of agricultural lands in other Counties or Regions in Central to Southern Ontario.



- While soil capability is relatively lower by comparison to other Counties or Regions, average soil capability is still in the prime category. Therefore, there are no reasonable urban expansion areas alternatives which could avoid prime agricultural soils.
- The need to use the Lower Stoney Creek lands for agricultural purposes is diminished given existing economic conditions for agriculture in Southern Ontario.
- The need for additional land for urban development in Hamilton has already been established and accepted by the Ontario Municipal Board.
- Active agricultural uses including specialty crop production are not predominant within Lower Stoney Creek.
- Significant differences in agricultural activity and agricultural potential are present within the Study Area.
- Full agricultural potential can only be reached after the application of drainage and irrigation.
- The costs of the application of that drainage and irrigation will be relatively high in the context of agricultural gross farm receipts.

A review of the Greenbelt Plan Mapping (online) illustrated that the Subject Lands are located on Map 97, and that the Subject Lands are located on the edge of the Greenbelt area, adjacent to Settlement Areas outside the Greenbelt.

The review of online imagery (City of Hamilton hybrid 2015) suggests that at the time of the construction of the adjacent elementary school (immediately west of the Subject Lands), portions of the Subject Lands were used for stockpiling spoil (mixed subsoil and parent materials) and for access to create a berm along the south side of the nearby railway tracks. Lands on the west side of the elementary school (closer to the existing subdivision) appear to have remnant fruit tree lands. The Subject Lands appear to have been used for common field crop as based on the field pattern in the imagery. It should be noted that the imagery does not provide an indication of yields or quality of any potentially grown crop.

Google Earth (2017) illustrates that portions of the Subject Lands were used for stockpiling materials, and that no portion of the Subject Lands was used for agricultural purposes (Appendix B). A review of the historical imagery on Google Earth suggests that the Subject Lands were fallow (no crop planted) in 2009. The condition of the fields suggests drainage limitations. A review of the 2007 imagery suggests that the Subject Lands were used for forage production as noted by the field pattern and row of large hay bales.

Birdseye imagery provides data similar to the Google Earth 2017 image.

The review of online imagery suggests that the Subject Lands have not been used for specialty crop for at least 8 years (oldest historical image on Google Earth), and that within the past 8 years, the Subject Lands have been used in diminishing capacity and area for the production of common field crop (forage crop).

A review of the OMAFRA digital soils data and the *Soils of Wentworth County*, illustrates that the Subject Lands comprise three soil polygons, representing three soil series (Trafalgar Silty Clay Loam, Morley Silty Clay Loam and Winona Sandy Loam). The approximate shape, size and position of the three soil polygons is illustrated in Figure 1 (DBH Soil Services Inc.) mapping in Appendix A. The digital soils data set includes a Canada Land Inventory (CLI) Rating for each soil type. The Trafalgar Silty Clay Loam soils were rated as CLI class 4D; The Morley Silty Clay Loam were rated as CLI class 4DW; and the Winona Sandy Loam soils were rated as CLI Class 2F.

Basic information about the soils of Ontario is made more useful by providing an interpretation of the agricultural capability of the soil for various crops. The Canada Land Inventory (CLI) system combines attributes of the soil to place the soils into a seven-class system of land use capabilities. The CLI soil capability classification system groups mineral soils according to their potentialities and limitations for agricultural use. The first three classes are considered capable of sustained production of common field crops, the fourth is marginal for sustained agriculture, the fifth is capable for use of permanent pasture and hay, the sixth for wild pasture and the seventh class is for soils



or landforms incapable for use for arable culture or permanent pasture. Organic or Muck soils are not classified under this system. Disturbed Soil Areas are not rated under this system.

With respect to the Canada Land Inventory ratings for the Subject Lands, the OMAFRA document “Classifying Prime and Marginal Agricultural Soils and Landscapes: Guidelines for Application of the Canada Land Inventory in Ontario” was reviewed. This document assumes that the soil capability class represents the potential capability of the land in its improved state. This assumes that land that requires improvements (such as stone removal, or tile drainage) that are feasible and can be done by the individual farmer or landowner is in place. If the improvements have not been done, then the CLI rating is typically lower.

The OMAFRA document states:

**“Class 2** - Soils in this class have moderate limitations that reduce the choice of crops, or require moderate conservation practices.

These soils are deep and may not hold moisture and nutrients as well as Class 1 soils. The limitations are moderate and the soils can be managed and cropped with little difficulty. Under good management they are moderately high to high in productivity for a wide range of common field crops.

**Class 4** - Soils in this class have severe limitations that restrict the choice of crops, or require special conservation practices and very careful management, or both.

The severe limitations seriously affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. These soils are low to medium in productivity for a narrow to wide range of common field crops, but may have higher productivity for a specially adapted crop.”

Further, the OMAFRA document states:

**“Subclass D - Undesirable soil structure and/or low permeability:** This subclass is used for soils which are difficult to till, or which absorb or release water very slowly, or in which the depth of rooting zone is restricted by conditions other than a high water table or consolidated bedrock. In Ontario this subclass is based on the existence of critical clay contents in the upper soil profile.”

**Subclass F - Low natural fertility:** This subclass is made up of soils having low fertility that is either correctable with careful management in the use of fertilizers and soil amendments or is difficult to correct in a feasible way. The limitation may be due to a lack of available plant nutrients, high acidity, low exchange capacity, or presence of toxic compounds.”

Therefore, the existing soil materials (prior to topsoil removal) on the Subject Lands were predominantly CLI class 4 lands, or lands considered as Non-prime Agricultural land.

A reconnaissance onsite survey was conducted on March 5, 2017. The results of this reconnaissance survey indicate that the Subject Lands are not used for agricultural production. The Subject Lands have been stripped of topsoil and any fence row/hedge row/field edge vegetation has been removed. The Subject Lands surface is lower than the surrounding area, with large areas of shallow standing water observed to the east of the elementary school. It was noted that no artificial subsoil tile drainage (agricultural drainage) appeared to be in place on the Subject Lands.

It was noted that prior to the construction of the elementary school grounds, the City of Hamilton required the addition of fill material to raise the elevation. This difference in the required fill material at the elementary school grounds, as compared to the existing elevation of the Subject Lands is noted in Photo 1 in Appendix B.



The reconnaissance survey also noted that a large ditch has been constructed immediately north of the elementary school, partially on the Subject Lands. A large pile of boulders and concrete was noted on the Subject Lands immediately adjacent to the northeast corner of the elementary school yard. Photographs taken during the onsite reconnaissance survey are found in Appendix B.

The weather conditions precluded an assessment of existing soil conditions to depth (1 metre), due to a layer of frost. Observations of the surficial soil materials suggested that the topsoil had been removed; landforming had been initiated on the adjacent lands to the west and north, and had occurred on portions of the Subject Lands. There did not appear to be any subsurface artificial tile drainage to aid in the removal of excess soil moisture/water. A construction road extended from Fifty Road across the Subject Lands and into the adjacent lands to the west. Due to the existing site conditions, there is limited potential (if any) to use the Subject Lands for any agricultural purpose.

The reconnaissance survey included a review of the surrounding lands. A new elementary school was noted immediately to the west of the Subject Lands (sharing a lot line). Farther west of the elementary school, the lands were used for development, as infilling between the elementary school and the existing subdivision near Winona Road. Lands located to the south of the Subject Lands included parklands and residential areas. Lands to the east (across Fifty Road) comprised open agricultural fields, woodlots, some tree fruit (condition unknown) and residential areas. Lands to the north (north of the train tracks) include areas of development (large diameter pipeline construction was noted along the South Service Road). It is evident from the reconnaissance survey that the Subject Lands are located in an area of active development, immediately abutting more open, rural areas to the east.

Agricultural lands, particularly Specialty Crop lands that are located in areas of active development or adjacent to developed areas are prone to additional risks/challenges including trespassing, vandalism, traffic and complaints concerning common farm practices such as the use of pesticides, fertilizers and manures.

Finally, the Subject Lands are located in the narrow belt of land between Lake Ontario and the Niagara Escarpment, which has a moderating influence from Lake Ontario. The narrow belt extends roughly from the City of Hamilton to the Niagara River and includes urban areas, rural areas, a major highway and rail lines. This belt area has a unique microclimate that allows for the production of certain specialty crops such as tree fruits and grapes.

The AgPlan Limited report provided comment regarding climate in the following statement:

“Climate is advantageous for fruit and vegetable production but there are likely some changes in climate due to urbanization at the micro and meso scale - particularly to cold air drainage within the Study Area.”

## **Conclusion**

It is my opinion that the Subject Lands:

- are immediately abutting an area of active development (new school and subdivision development to the west and north), leading to potential trespass conflicts,
- are immediately adjacent to a major arterial road (Fifty Road) with connection to the QEW Highway, leading to potential traffic conflicts when moving farm equipment,
- do not have artificial tile drainage, leading to lower soil capability,
- do not have irrigation, leading to lower soil capability,
- are comprised of predominantly lower capability lands (Canada Land Inventory Class 4 lands),
- do not have a topsoil layer, leading to lower soil capability,
- are significantly lower (lower elevation) than the surrounding adjacent lands, leading to the potential for the collection of runoff resulting in ponding water and crop loss,
- are separated from the more open lands to the east by Fifty Road (major arterial road), resulting in a non-contiguous agricultural area,





- comprise 4.0 ha of land, well below the 10 ha minimum lot size for Agricultural Specialty Crop Zones as indicated in the *City of Stoney Creek Zoning Bylaw No. 3692-92 (June 2015)*,
- have no potential for agriculture in the existing condition (landforming, no topsoil, boulder piles, creation of ditch);
- have great potential for conflict between any potential agricultural operation at this location and the adjacent developments due to traffic, odors, pesticide/manure/fertilizer application, trespassing and vandalism.

In conclusion, given the aforementioned information, historical use of the lands, and characteristics of the area, the Subject Lands have limited to no potential for future agriculture.

I trust this information is helpful. Should you have any questions or concerns, please feel free to contact me at your earliest convenience at 519-578-9226.

Sincerely

**DBH Soil Services Inc.**

Dave Hodgson, P. Ag  
President

Cc:

Messrs. Jason Thorne, Steve Robichaud & Chris Murray, City of Hamilton  
Mr. Allan Buist, DiCenzo & Associates  
Messrs. Richard Mahoney & Tim Murphy McMillan, LLP.  
Mrs. Dana Anderson, MCIP, RPP, MHBC

## **APPENDIX A**







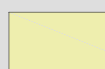
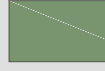



**Mapping**

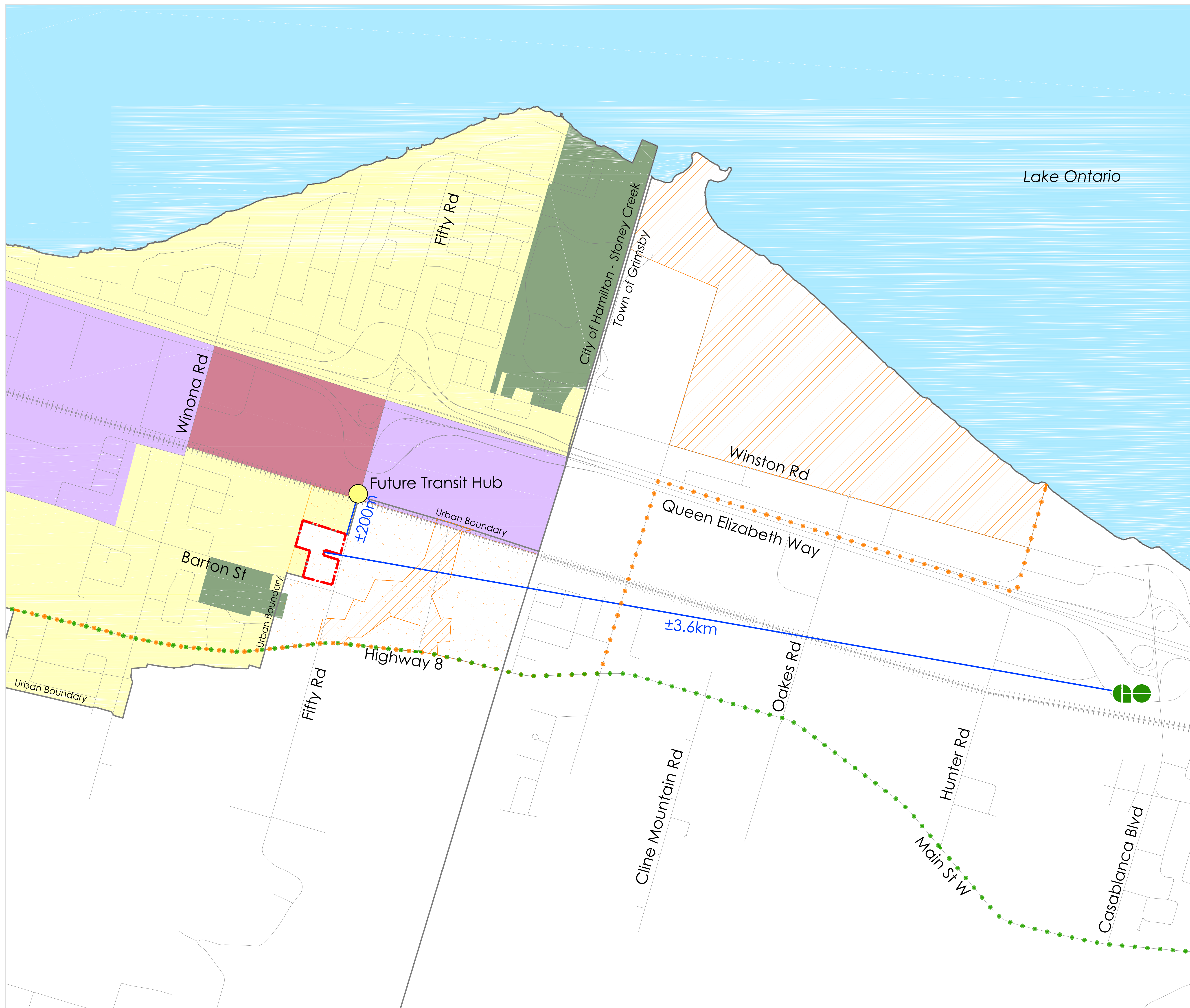
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**Figure 2  
Location Plan**

Barton Street and Fifty Road  
City of Hamilton

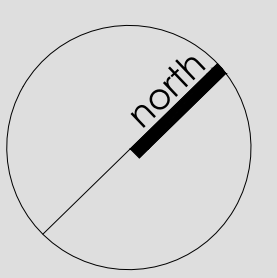
**LEGEND**

-  Subject Lands
-  Distances
-  Niagara Escarpment Plan Boundary
- Greenbelt Protection Plan**
  -  Limit of Protected Countryside
  -  Natural Heritage System
  -  Tender Fruit Grape
- City of Hamilton - Land Use (Urban Official Plan)**
  -  Neighbourhoods (Residential)
  -  Open Space
  -  District Commerical
  -  Business Park
-  Casablanca Blvd at QEW Park and Ride



Source: City of Hamilton and Niagara Region - 2016  
City of Hamilton - Urban Official Plan, Schedule E-1, Jan. 2017

**DATE:** February 2017  
**SCALE:** 1:7,500  
**FILE:** 1736A  
**DRAWN:** CAC




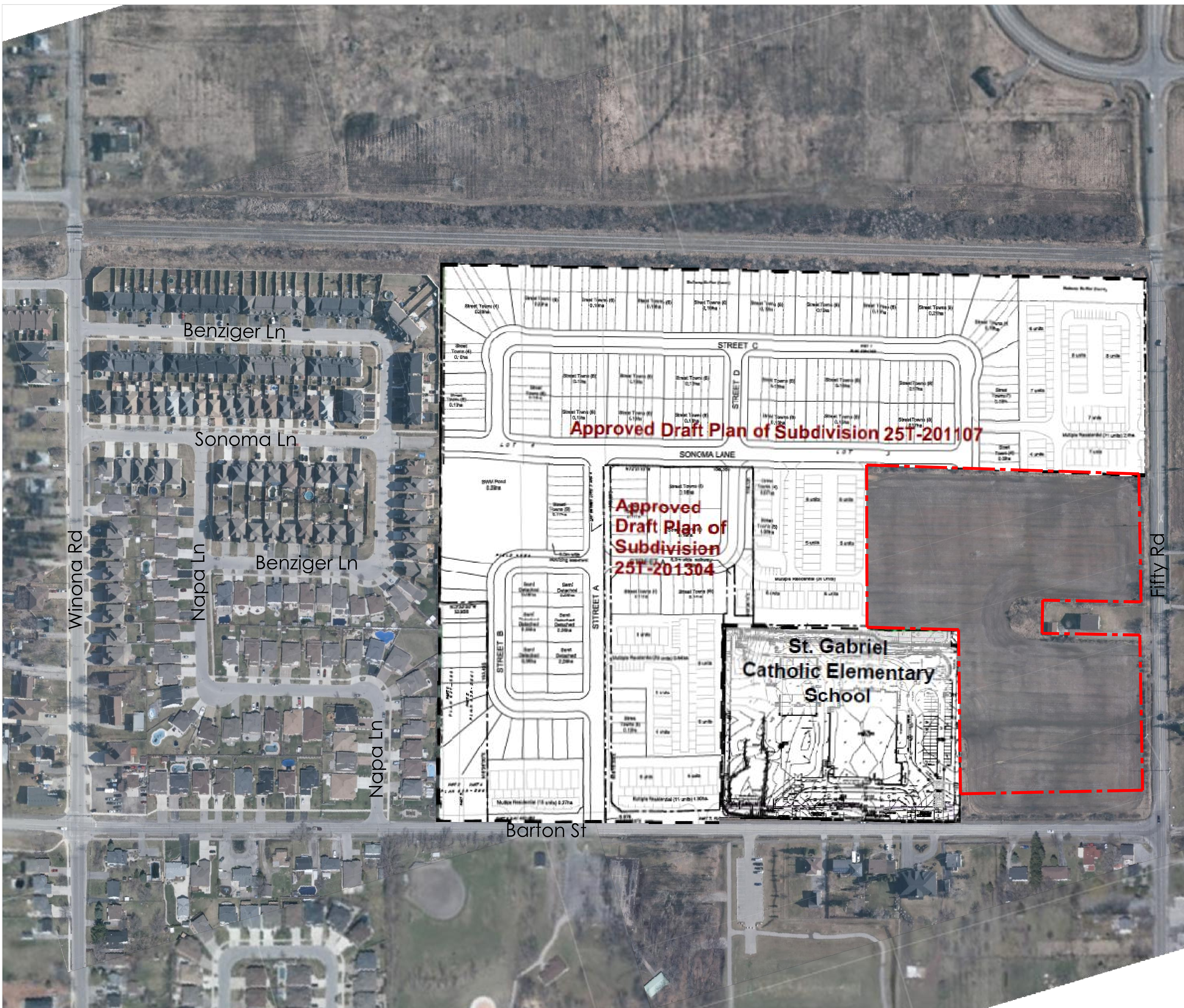
K:\1736A\LOCATION.DWG

Figure 1  
Aerial

Barton Street and Fifty Road  
City of Hamilton

LEGEND

 Subject Lands



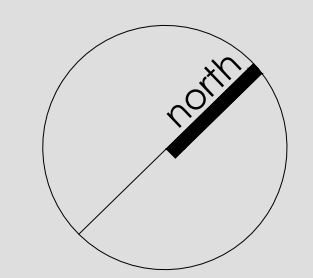
Source: VuMap, 2014

DATE: February 2017

SCALE: 1:1,250

FILE: 1736A

DRAWN: CAC



K:1736A/AERIAL.DWG



### Legend




-  Roads
-  Ontario Soil Survey Data (OMAFRA)
-  Subject Lands

Figure 1

## Soils and Canada Land Inventory (CLI)

DBH Soil Services Inc  
March 8, 2017

## **APPENDIX B**

### **Photographs and Imagery**

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Photo 1 – Looking north (elementary school on the left)



Photo 2 – looking west toward along back fence of the elementary school



Photo 3 – looking west - large ditch behind elementary school



Photo 4 – looking southeast – landformed subsoil materials





Photo 5 – looking west along Barton Street



Google Earth Image (2017) – Subject Lands in yellow. Note active development areas.