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February 9, 2018

Co-ordinator  
Planning Committee  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario L8P 4Y5

Dear Sir/Madam,

**Re: Application by Armstrong Planning & Project Management on Behalf of Empire (Red Hill) Ltd. for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9)**

The Niagara Escarpment Commission (NEC) has been made aware that Draft Plan of Subdivision application 25T-201601 is scheduled to be considered at the upcoming meeting of the Planning Committee on February 20<sup>th</sup>, 2018.

The NEC requests **deferral** of Draft Plan of Subdivision Application 25T-201601, for reasons noted below.

The entirety of the above noted property is subject to NEC Development Control. Section 24.(3) of the *Niagara Escarpment Planning and Development Act* states that:

No building permit, work order, certificate or licence that relates to development shall be issued, and no approval, consent, permission or other decision that is authorized or required by an Act and that relates to development shall be made, in respect of any land, building or structure within an area of development control, unless the development is exempt under the regulations or,

(a) a development permit relating to the land, building or structure has been issued under this Act; and

(b) the building permit, work order, certificate, licence, approval, consent, permission or decision is consistent with the development permit.

The creation of lots sought through the Draft Plan of Subdivision application is not exempt from the requirement for a Niagara Escarpment Development Permit as stated above. As no Development Permit has been issued for lot creation on the subject lands, NEC staff request that the approval of 25T-201601 be deferred, until such time as a Niagara Escarpment Development Permit authorizing the lot creation has been issued.

A Development Permit Application (File W/R/2017-2018/338) has been submitted to the NEC for the creation of lots at 2 Glover Mountain Road. This application, which was received in December of 2017, is currently under review.

Regarding the Zoning By-Law Amendment (File No. ZAC-16-001), the NEC requests to be notified of the adoption of the proposed zoning by-law amendment or the refusal of the request to amend the zoning by-law. Be advised that while the City can proceed to have zoning in place, development of the lands will need to be in accordance with an approved Development Permit from the NEC for lands within Development Control.

The NEC also requests to be notified of the decision of the City of Hamilton in respect of the Proposed Draft Plan of Subdivision, but will write separately to the Director of Planning as directed.

Please call Jim Avram, Senior Planner at 905-877-6370 if you have any questions.

Yours truly,



Debbie Ramsay, MCIP, RPP  
Manager

OFFICE OF THE CITY CLERK	
FEB 20 2018	
REF'D TO	Council Feb 20
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ACTION	