



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 14, 2018
<b>SUBJECT:</b>	Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9)
<b>WARD AFFECTED:</b>	Ward 9
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Rural Hamilton Official Plan Amendment Application RHOPA-17-024, by Five SAC, (Owner)**, to establish a Site Specific Policy Area in order to permit the development of three self-storage (U-Haul) buildings for lands located at 19 Highland Road East, as shown on Appendix “A” to Report PED18169, be **DENIED** on the following basis:
- (i) That the proposal is not consistent with the Provincial Policy Statement (PPS) and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017);
  - (ii) That the proposal does not comply with the intent of the Rural Hamilton Official Plan.
- (b) That **Zoning By-law Amendment Application ZAC-17-055 by Five SAC, (Owner)**, for a further modification to the Rural Industrial “MR-5” Zone - Holding to permit the development of three self-storage (U-Haul) buildings for lands located at 19 Highland Road East, as shown on Appendix “A” to Report PED18169, be **DENIED** on the following basis:

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- (i) That the proposal is not consistent with the Provincial Policy Statement (PPS) and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017);
- (ii) That the proposal does not comply with the intent of the Rural Hamilton Official Plan;
- (iii) The application does not meet the general intent of the Stoney Creek Zoning By-law No. 3692-92 or Hamilton Zoning By-law 05-200.

**EXECUTIVE SUMMARY**

The applicant has applied for a Rural Hamilton Official Plan (RHOP) Amendment and a Zoning By-law Amendment for lands located at 19 Highland Road East to permit the development of three self-storage (U-Haul) buildings.

The purpose of the RHOP Amendment Application is to permit the self-storage facility on the subject lands whereas currently the RHOP does not permit the use. The Zoning By-law Amendment Application is to rezone the subject lands to include a site specific zoning on the property to permit a self-storage facility and associated accessory uses.

The property is located within the proposed Elfrida Future Growth Area Secondary Plan area, and is currently in the early stages of a Municipal Comprehensive Review to identify the amount of land to be added to the Urban Boundary.

The applications do not have merit and cannot be supported as they are not consistent with the Provincial Policy Statement (2014) and do not conform to the Growth Plan for the Greater Golden Horseshoe (2017). The proposed use is not considered an agricultural use and does not enhance or support the agricultural community. Furthermore, the applications are premature in that the Elfrida Secondary Plan has not been completed. Additionally, the application has not provided sufficient information relating to sustainably servicing the subject lands.

***Alternatives for Consideration – See Page 19***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

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**Legal:** As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for an amendment to the Official Plan and the Zoning By-law.

## **HISTORICAL BACKGROUND**

The subject property is located east of Upper Centennial Parkway and on the north side of Highland Road East (see Location Map attached as Appendix “A” to Report PED18169). The property is vacant and comprises an area of approximately 0.8 ha.

The subject lands are located within the Elfrida Growth Plan Study Area, which was identified by Council as the preferred location for an urban expansion area. In 2006, the Elfrida Study Area was included as a Special Policy Area in the RHOP and was adopted by Council to initiate the municipal comprehensive review required prior to any portion of the Study Area being included in the Urban Boundary. The Province removed the Special Policy Area when it approved the RHOP in 2008. The Urban Hamilton Official Plan (UHOP), adopted in 2009, included a policy reference to Elfrida as a future growth area within the Urban Boundary Expansion policies. When the UHOP was approved, the Province removed the references to Elfrida as a growth area but approved the remaining Urban Boundary Expansion policies. That deletion of the Elfrida Study Area in both the Urban and Rural Official Plan was appealed to the OMB (now the LPAT) by the City and land owners in the area.

Although both of these appeals are still before the LPAT, the City is currently in the preliminary stages of a Municipal Comprehensive Review to evaluate the future Urban Growth Area, known as the Elfrida Area.

## **Proposal:**

The applicant, Five SAC (U-Haul), is proposing to construct three single storey self-storage buildings totalling 3,802.42 sq m (refer to Appendix “B” of Report PED18169) to expand the existing use to the subject lands. The subject lands are a separate parcel of land from the existing use located to the west, and therefore is considered to be the establishment of a new use as opposed to the incremental expansion of an existing business use. Building “G” is a climate controlled building with 146 self-storage lockers with customer loading areas and a single universal washroom for public use. Building “H” is a climate controlled building with 101 self-storage lockers and is proposed to share an exterior access and loading zone with Building “I”, which is a non-climate controlled building with 156 storage lockers. In addition, the proposal includes two loading spaces and 22 parking spaces with vehicle access on Highland Road East.

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A new fire route access and a turnaround location for fire and emergency vehicles are proposed for the three self-storage buildings. The area between the existing U-Haul buildings at 130 Upper Centennial Parkway and the three proposed new U-Haul buildings are proposed to be used as driveways for maintenance and customer vehicles. Parking is proposed to be located along one side of Building “H” and at the side and rear of Building “G”. In addition, the current U-Haul facility at 130 Upper Centennial Parkway has a private water service connection and a holding tank for sanitary waste on the property at 130 Upper Centennial Parkway.

A Rural Hamilton Official Plan (RHOP) Amendment and Zoning By-law Amendment were submitted to permit three, one storey self-storage facilities, associated with the existing U-Haul operation at 130 Upper Centennial Parkway, a single universal washroom for public use, 22 parking spaces and two loading spaces with vehicle access on Highland Road East.

**Chronology:**

- June 27, 2017: Rural Hamilton Official Plan Amendment Application RHOPA-17-024 and Zoning By-law Amendment Application ZAC-17-055 were received.
- June 28, 2017: Rural Hamilton Official Plan Amendment Application RHOPA-17-024 and Zoning By-law Amendment Application ZAC-17-055 were deemed incomplete.
- August 15, 2017: Applications RHOPA-17-024 and ZAC-17-055 were deemed complete.
- September 1, 2017: Notice of Complete Applications and Preliminary Circulation were sent to 36 property owners within 120 m of the subject lands.
- September 6, 2017: A Public Notice Sign was posted on the subject lands.
- July 18, 2018: Public Notice Sign updated with Public Meeting date.
- July 27, 2018: Circulation of the Notice of Public Meeting mailed to 36 property owners within 120 m of the subject property.

**Details of Submitted Applications:**

**Owner/Applicant:** Five SAC (c/o John Fisher, MCP, U-Haul International)

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**Agent:** Brower Architecture (Jason Brower, Architect)

**Location:** 19 Highland Road East, Stoney Creek

**Property Description:** Frontage: 42.84 m

Lot Depth: 136.9 m

Lot Area: 0.8 ha

Servicing: Not serviced

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant land	Rural Industrial “MR-5(H)” – Holding Zone
<b><u>Surrounding Lands:</u></b>		
<b>North:</b>	Cooper Equipment Rentals Skyway Lawn Equipment Establishment	Rural Industrial “MR-5(H)” Zone – Holding
<b>East:</b>	Agricultural	Agricultural “A” Zone
<b>South:</b>	Residential Dwellings	Rural Residential “RR” Zone
<b>West:</b>	U-Haul Self Storage Facility	Rural Industrial “MR-3” Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2014). The subject site is identified as Prime Agricultural Land within the Provincial Policy Statement.

The following applicable policies, amongst others, apply as it relates to the Rural lands:

- “1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:
- a) building upon rural character, and leveraging rural amenities and assets;
  - e) using rural *infrastructure* and *public service facilities* efficiently;
  - f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and,
  - i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
  - b) resource-based recreational uses (including recreational dwellings);
  - c) limited residential development;
  - d) home occupations and home industries;
  - e) cemeteries; and
  - f) other rural land uses.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and / or uneconomical expansion of this *infrastructure*.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses* and *on-farm diversified uses*.

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- 2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:
- a. extraction of *minerals, petroleum resources and mineral aggregate resources*, in accordance with policies 2.4 and 2.5; or
  - b. limited non-residential uses, provided that all of the following are demonstrated:
    1. the land does not comprise a *specialty crop area*;
    2. the proposed use complies with the *minimum distance separation formulae*;
    3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
    4. alternative locations have been evaluated, and
      - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
      - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.”

The subject property is located outside of the Urban Boundary and is located within the rural area. The PPS identifies these lands as “Prime Agricultural Land”. The proposed self-storage facility and associated parking is not consistent with the PPS for the following reasons:

- The establishment of the proposed use as a separate parcel of land is not considered a permitted use by provincial policy. The permitted uses include a range of agricultural uses and agricultural supportive uses including, but not limited to, farm product supply dealer and agricultural storage facility. The applicant has not provided evidence that the proposed self-storage facility will be geared towards and support the rural community;
- The subject site does have access to a private water service but does not have access to municipal sewers since the subject lands are outside of the urban boundary. In addition, provincial policy does not support unnecessary expansions of municipal services outside of the urban boundary. Therefore, the applicant would

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need to prove that the proposal would be adequately serviced using rural servicing options. As part of the Zoning By-law Amendment Application submission, the applicants submitted a Sanitary Services Brief and Stormwater Management Brief. The submitted documents have been reviewed by staff and they are not satisfied that the proposed use can be adequately serviced for private sanitary service purposes based on the submitted information; and,

- Staff recognize that the subject site is located within close proximity to the Urban Boundary. However, the site is located outside of the Urban Area and is considered a Prime Agricultural area based on Provincial policy. Provincial policy does provide opportunities for limited non-agricultural uses on prime agricultural lands subject to meeting the required criteria identified in policy 2.3.6.1. Staff are of the opinion that the applicants have not provided sufficient evidence that there are no reasonable alternative locations for the proposed self-storage facility to avoid prime agricultural areas and that the proposed self-storage facility is required to meet the forecasted growth requirements for the City.

#### Wise Use and Management of Resources

The subject property was determined to have archeological potential since it met three of the ten criteria. As such, the following policies apply to the proposal:

“2.6.2        *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*”

Staff do not have any concerns as it relates to archaeological resources for the Official Plan Amendment Application and Zoning By-law Amendment Application but if the applications were approved, a written caution note would be added to the Site Plan to address archaeology.

In summary, the proposal is not consistent with the PPS.

#### Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan outlines the following policies, amongst others, for rural lands:

- “2.2.9        3. Subject to the policies in Section 4, *development* outside of *settlement areas* may be permitted on *rural lands* for:
- a.        the management or use of resources;



- b. resource-based recreational uses; and
  - c. other rural land uses that are not appropriate in settlement areas provided they:
    - i. are compatible with the rural landscape and surrounding local land uses;
    - ii. will be sustained by rural service levels; and
    - iii. will not adversely affect the protection of *agricultural* uses and other resource-based uses such as *mineral aggregate operations*.
4. Where permitted on *rural lands*, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include:
- a. commercial uses to serve the needs of visitors; and
  - b. where appropriate, resource-based recreational dwellings for seasonal accommodation.”

The applicant is proposing to construct three self-storage buildings and associated parking. The proposed self-storage facility and associated parking does not conform with the Growth Plan (2017) for the following reasons:

- The proposed use is not considered a permitted use by Provincial policy. The permitted uses within rural lands include resource management uses, resource-based recreational uses and other rural land uses not appropriate for settlement areas. The proposed use is not a resource based use; and,
- The Growth Plan requires that any rural development be properly sustained with rural service levels. As part of the Official Plan Amendment Application and Zoning By-law Amendment Application submission, the applicants submitted a Sanitary Services Brief and Stormwater Management Brief. The submitted documents have been reviewed by staff and they are not satisfied that the proposed use can be adequately serviced based on the submitted information using current rural services.

Therefore, the proposal does not conform to the Growth Plan (2017).

### **Rural Hamilton Official Plan (RHOP)**

The subject lands are designated “Rural” on Schedule “D” – Rural Land Use Designations. The following policies, amongst others, apply to the proposed development:

“C.3.1.1 The following uses shall be permitted in all land use designations as set out in the policies below:

- a) Conservation use such as forest, wildlife and fisheries management shall be permitted provided it complies with Section C.2.0, Natural Heritage System policies of this Plan;
- b) Transportation facilities and existing electrical facilities used directly for the generation and distribution of electric power, natural gas pipeline and new facilities and approved under the Environmental Assessment Act and other relevant statutes shall be permitted in any land use designation located in Rural Hamilton provided they meet the conditions of this Plan; and,
- c) Municipal infrastructure such as water system facilities, sanitary and storm water facilities, except for sanitary land fill sites, shall be permitted in all land use designations located in Rural Hamilton and shall comply with the policies of Sections C.3.4, Utilities and C.5., Infrastructure of this Plan. Where facilities exist, they shall be designated Utilities on Schedule D - Rural Land Use Designations and the maps for Rural Settlement Areas in Volume 2 of this Plan.

### **C.5.3 Lake-Based Municipal Water and Wastewater Systems**

It is the objective of this Plan to prohibit the extension or expansion of all lake-based, municipal water and wastewater services outside the urban area boundary.

C.5.3.2 The City may allow existing lots and existing uses that front on a rural/urban boundary road, to connect to existing municipal water and wastewater systems, provided all the following conditions are met:

- a) the area shall remain outside the urban area and shall be designated Agriculture, Specialty Crop or Rural in the Rural Hamilton Official Plan; and,

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- b) sufficient supply and capacity are available to service the existing development.”

The proposed application would require an amendment to the Rural Hamilton Official Plan to permit commercial self-storage buildings on the subject property. The Rural designation permits a range of conservation uses, municipal infrastructure and transportation facilities. The proposed use is not considered a conservation use or municipal infrastructure as it is a commercial operation.

City staff have advised that there are currently no municipal storm sewers, sanitary sewers or water mains adjacent to the property. The current U-Haul operation at 130 Upper Centennial Parkway is supported with a private water service and a holding tank for sanitary. For information, any proposed servicing upgrades could only be constructed if the lands to the east of Upper Centennial Parkway are incorporated into the City’s Urban Boundary. Currently, the Municipal Comprehensive review being completed for the Elfrida Node is in its preliminary stages. Therefore, the subject lands are within the Rural Area and subject to applicable policy. As identified within the policy, the City will prohibit any municipal expansions of services into the Rural Area. The only opportunity for rural properties to access municipal services is lots that front onto a boundary road. The subject lands front onto Highland Road East which is not considered a Boundary Road. Therefore, based on the information submitted, staff are not satisfied that the applicants have provided adequate information to show how the site would be privately serviced.

#### “D.2.0 AGRICULTURE DESIGNATION

The Agriculture designation applies to lands designated Agriculture on Schedule D- Rural Land Use Designations. The primary intent of the Agriculture designation is to protect the *prime agricultural areas* for *agricultural use* over the life of this Plan.

These policies provide for a wide range of farm types while preventing further conflicts of use, and ensuring the sustainability of the Natural Heritage System.

#### D.2.1 Permitted Uses

Uses permitted in the Agriculture designation are limited to *agricultural uses*, *agricultural-related* commercial and *agricultural-related* industrial uses and on-farm secondary uses as set out in the following policies.

#### D.2.1.1 Agricultural uses are permitted subject to the policies of this Plan.

- D.2.1.1.1 Mushroom operations, including the growing, harvesting, cleaning, packaging and shipping of mushrooms produced on the site and any other uses directly related to mushroom production including the creation of compost are permitted. The establishment of a new mushroom operation or the expansion of an existing operation shall be subject to Site Plan approval to address the appropriate building location, drainage, and any other matters.
- D.2.1.1.2 Tree farms are permitted, provided that any goods and materials offered for sale are limited to small scale retailing of agricultural products grown and produced primarily on-site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses.
- D.2.1.1.3 Farm greenhouses are greenhouses used primarily for the growing of crops for off-site wholesale. Farm greenhouses may be permitted provided the following conditions are met:
- a) Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and
  - b) Any goods or materials offered for sale shall be limited to small scale retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses.
- D.2.1.1.4 Medical marihuana growing and harvesting facilities are permitted in accordance with the regulations set out in the Zoning By-law and provided that the following conditions are met:
- a) a medical marihuana growing and harvesting facility is permitted in buildings existing at the date of the passing of the Zoning By-law;
  - b) The gross floor area for a new medical marihuana growing and harvesting facility shall not exceed 2000 square metres;
  - c) No retail sales are permitted;
  - d) No outdoor storage is permitted; and
  - e) The establishment of a new medical marihuana growing and harvesting facility or the expansion of an existing facility shall be

subject to Site Plan approval to address the appropriate building size and location, set-backs, drainage and any other matters.

D.2.1.1.5 Aquaponics facilities may be permitted provided the following conditions are met:

- a) Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and
- b) Any goods or materials offered for sale shall be limited to small scale retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses.

#### D.4.0 RURAL DESIGNATION

The Rural designation applies to lands designated Rural on Schedule D - Rural Land Use Designations. While these lands are characterized as having lower capability for agriculture due to a range of factors, the intent of this Plan is to protect and maintain *agricultural uses* as the primary and predominant land use and to protect *farm operations* from incompatible forms of *development* so as to preserve these lands for *agricultural use*.

##### D.4.1 Permitted Uses

Uses permitted in the Rural designation are limited to the uses permitted in Section D.2.0, Agriculture Designation of this Plan, other *resource-based* rural uses and institutional uses serving the rural community as follows:

D.4.1.1 Resource-Based Commercial and Resource-Based Industrial Uses are permitted provided the following conditions are met:"

The subject lands are designated Rural in the RHOP. The intent of the Rural Hamilton Official Plan is to encourage industrial, commercial and residential uses to the urban area or rural settlement areas to preserve lands for agricultural use and efficiently use municipal resources. Therefore, as identified through the above-noted policy, the RHOP permits a range of agricultural and rural uses and associated agricultural-related commercial and industrial uses on the subject lands. The Rural designation permits a broader range of resource based rural uses, institutional uses and rural related supportive commercial uses to support the agricultural community. The broader range of rural supportive uses is permitted on rural designated properties because generally the properties are determined to have a possible lower capability for agriculture

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operations. Staff are of the opinion that the proposed commercial storage facility is not an agricultural use or an agricultural supportive use. Therefore, staff do not support the Official Plan Amendment and associated Zoning By-law Amendment because the applicants have not provided evidence that there is no reasonable alternative location for the proposed use, the use is not a permitted use within the Rural and Agriculture designations and the proposal does not meet the general intent of the Rural Hamilton Official Plan.

**City of Stoney Creek Zoning By-law No. 3692-92**

The subject property is currently zoned Rural Industrial “MR-5(H)” Zone – Holding and is subject to a Holding Provision. The MR-5 Zone permits agricultural uses, agricultural research, animal hospitals or shelters and accessory dwelling units, farm implement sales and services, industrial uses pertaining to the manufacturing, processing, wholesaling, warehousing or storage of agricultural products or farm supplies and parking lots. A Zoning By-law Amendment is required to permit the self-storage buildings on the subject lands.

Additionally, the Holding Provision on the property may be removed at such time as:

- “(i) the owner submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE), to the satisfaction of the City's Director of Development and Real Estate, including an acknowledgement of receipt of the RSC by the MOE; and,
- (ii) the owner submits and receives site plan approval including a landscape plan, with securities deposited for the works to be completed, all to the satisfaction of the Manager of Development Planning.”

**Zoning By-law No. 05-200**

The subject property is zoned Existing Industrial (E2, 155) Zone - Holding in Zoning By-law No. 05-200. The zone permits agricultural uses, farm product supply dealer, agricultural storage establishment, kennel and uses existing at the date of the passing of the By-law. In addition, the site specific provision states that a maximum height for outdoor storage and vehicle parking or storage shall be 2.5 m within 15.0 m of any lot line that abuts a street, measured from the average grade along such lot lines. The proposed self-storage facility and associated parking is not a permitted use and would require a Zoning By-law Amendment.

For information purposes, the lands were included in the City-Initiated Rural Zoning. Although the zoning was approved by Council, the zoning was appealed to the Ontario

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Municipal Board (now the LPAT). Therefore, since the City-Initiated Rural Zoning was approved, both zones are in effect and the more restrictive of the two Zoning By-laws apply.

**RELEVANT CONSULTATION**

The following Departments had no comments or objections to the applications:

- Forestry and Horticulture Section (Public Works Department);
- Landscape Architectural Services (Public Works Department); and,
- Asset Management (Public Works Department).

The following Departments and Agencies submitted the following comments:

**Hamilton Conservation Authority (HCA)** has indicated that the proposed storage facility expansion will result in a significant increase in the amount of imperviousness on the site. Therefore, appropriate stormwater quantity and quality controls would be required. In this regard, HCA identified that as the site is located within the Upper Stoney Creek subwatershed area, the stormwater management design should include Normal (Level 2) quality control measures and sediment and erosion control measures to prevent the overland migration of sediment into the nearby headwater tributary of Stoney Creek.

HCA has received the Stormwater Management Brief that was submitted with these applications and have no objection to the proposed overall design. However, HCA question the accuracy of the 100 year post-development storage volume used in the proposal, and request that the input and output information supporting the hydrology modelling be submitted.

HCA also requests that the following information be submitted in conjunction with a future Site Plan Control Application:

1. A detailed design of the proposed Triton underground storage system, which demonstrates that the system does not negatively impact the shallow groundwater flow and will not result in groundwater contamination.
2. A detailed Drainage Plan that identifies the extent of the area requiring quality control treatment, and a Site Grading Plan, a Site Servicing Plan, and an Erosion & Sediment Control Plan that identifies that heavy duty silt fencing, silt sacs, and vehicular traction control will be installed on-site.

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HCA staff has also reviewed the Karst Hazard Assessment prepared by Terra-Dynamics Consulting Inc. dated May 9, 2017 and are satisfied with the assessment methods and the conclusion that the site does not contain any macro karst features or karst based hazards. As the site is located in close proximity to a headwater tributary of Stoney Creek, the southerly portion of the property, is subject to HCA's Development, Interference with Wetlands, and Alterations to shorelines and Watercourse Regulation 16 / 106 whereby the written approval (either a Permit OR Letter of Permission) will be required prior to the commencement of any fill placement or removal, grading and construction activities, and watercourse alterations.

**Construction (Capital Budget Projects)** has stated that Contract C15-47-14 (HS) is currently active on Reg. Rd. 56 and Upper Centennial Pkwy. The sanitary manhole located in the north-east corner of Upper Centennial Pkwy. and Highland Rd. is expected to be complete by late fall of 2018.

**Operations Support, Business Program (Public Works Department)** has stated that the property is eligible for municipal waste collection services subject to meeting the City's requirements.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 36 property owners within 120 m of the subject property on September 1, 2017. A Public Notice sign was posted on the property on September 6, 2017. A Notice of Public Meeting was mailed to 36 property owners on March 16, 2018 and the Public Notice sign was updated on March 7, 2018 in accordance with the requirements of the *Planning Act*. To date, only one comment was received in from a neighbouring property where they requested to be informed about any future decisions on the subject land

### **Public Consultation Strategy**

The applicant advised that a Public Open House could be held to display relevant project information if there were any major concerns or comments identified by the public. To date, no public open house has been held. Therefore, no responses were received as a result of the completed circulations.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

- 1) The proposal does not have merit and cannot be supported for the following reasons:



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- (i) The proposal is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017);
- (ii) The proposal does not comply with the policies and intent of the Rural Hamilton Official Plan in regards to the proposed use for the subject lands; and,
- (iii) The proposed development is premature as the Municipal Comprehensive Review for the Elfrida Urban Growth Area has not been completed.

2) Rural Hamilton Official Plan (RHOP)

The subject property is currently designated “Rural” in the Rural Hamilton Official Plan. An Official Plan Amendment is required in order to permit the development of three self-storage buildings. As identified in the Report, the proposal is not consistent with the PPS, does not conform to the Growth Plan and does not comply with the policies of the Official Plan as the use is not permitted on lands designated Rural. The applicants have not provided evidence that the proposed use is agricultural or supports the agricultural community, that the lot can be adequately serviced using rural services or that there is no reasonable alternative location in the City for the proposed use. As such, staff do not support the Rural Hamilton Official Plan Amendment.

3) Zoning By-law Amendment

The proposal is to construct three self-storage buildings and associated parking on the subject property. The use is not permitted in the Stoney Creek Zoning By-law No. 3692-92 or Zoning By-law No. 05-200. When reviewing a Zoning By-law Amendment Application, the proposed amendment must comply with the Rural Hamilton Official Plan. As discussed, the proposed self-storage facility does not meet the intent of the Official Plan. Therefore, Staff do not support the Zoning By-law Amendment to the Stoney Creek Zoning By-law No. 3692-92 and Zoning By-law No. 05-200.

4) Engineering

Growth Management Staff have advised that there are no municipal storm sewers, sanitary sewers or water mains adjacent to the subject property to support the expansion of the existing U-Haul operation onto the subject property at 19 Highland Road East. The current U-Haul operation is supported with a private water service and a holding tank for sanitary.

The City's Rural Hamilton Official Plan and Provincial legislation prohibit the extension and expansion of lake-based municipal services outside of urban area boundaries.

#### Source Water Protection

The use of holding tanks for wastewater disposal is permissible provided the applicant demonstrates they will connect to municipal wastewater infrastructure within the permissible timeframe. If a holding tank is permitted we have no further comments.

If holding tanks are not permitted to support wastewater disposal, the applicant shall submit a Scoped Hydrogeological Study as requested in Source Protection Planning's peer reviewer comments. In light of the Functional Servicing Report provided by Haliex Engineering in the most recent submission, they verified that the property utilizes municipal water. As a result, only the requests for information pertaining to sewage disposal would apply.

#### Water Servicing

The applicants provided a Servicing Design Brief New Water and Sanitary Services (Hallex Engineering Ltd., June 26, 2017). The City has requested clarification and updates to the Water Servicing Brief and the City has not received the updated document to date. Additionally, based on the FUS it appears that parts of the proposed site are outside the coverage areas of the municipal fire hydrants located in proximity to the subject site. Hamilton Water is not reviewing the sizing and hydraulic performance of private piping, including number, location and performance of the private fire hydrants.

#### Storm Water Design Brief

The applicants submitted a Stormwater Design Brief but staff require further clarification and amendments to the submitted document. The applicants have not provided any amendments to the submitted documentation.

#### Highland Road Right-of-Way

The current roadway width of Highland Road East is approximately 20.1m +/- at this location according to the City's GIS records. This road is identified in Schedule C – Rural Functional Road Classification of the City's Rural Hamilton Official Plan as being a collector road having a maximum road allowance width of 36.576 m [120 feet] and is subject to a future road widening in accordance with Section

**SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9) - Page 19 of 19**

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C.4.5.2 and C.4.5.6 of the Rural Hamilton Official Plan. As a condition of future Site Plan approval, the applicant/owner will be required to dedicate to the City of Hamilton sufficient lands across the southerly limit of 19 Highland Road East.

As noted above, there are substantial engineering servicing, grading, and stormwater constraints related to the proposed development which need to be addressed by the owner/applicant prior to the approval of these applications. These applications are considered to be premature and, therefore, cannot be supported at this time.

### **ALTERNATIVES FOR CONSIDERATION**

If the proposed Official Plan and Zoning By-law Amendments are approved, staff should be directed to prepare a draft Official Plan and draft Zoning By-law Amendments that implement the proposed Concept Plan attached as Appendix “B” to Report PED18169.

If the proposed Official Plan Amendment and Zoning By-law Amendments are denied, the subject lands could be developed in accordance with the Existing Rural Industrial (E2, 155) Zone – Holding, which permits Abattoir, Agricultural Processing Establishment – Stand Alone, Agricultural Storage Establishment, Farm Product Supply Dealer, and any uses existing at the date of the passing of the By-law.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

#### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Concept Plan