



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 14, 2018
SUBJECT/REPORT NO:	Applications to Amend Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium (Common Element) for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Brynn Nheiley (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-15-028 by Don and Susan Pede (Owners)**, for a change in zoning from Settlement Residential (S1, 60) Zone to Conservation / Hazard Land Rural (P7) Zone (Block 1); from Conservation / Hazard Land (P7) Zone to Settlement Residential (S1, 23) Zone (Block 2), and from Settlement Residential (S1, 60) Zone to Settlement Residential (S1, 23) Zone (Block 3), for lands located at 706 Highway No. 8 Flamborough, as shown on Appendix "A" to Report PED18144, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18144, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200.
- (b) That **Revised Draft Plan of Subdivision Application 25T-201506 by Don and Susan Pede (Owners)**, to establish a Draft Plan of Subdivision known as "Butternut Hill", on lands located as 706 Highway No. 8 Flamborough, as shown on Appendix "C" to Report PED18144, be **APPROVED** subject to the following:

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- (i) That this approval apply to the Draft Plan of Subdivision "Butternut Hill", 25T-201506, prepared by IBI Group and certified by D. McLaren, O.L.S., dated, June 22, 2018, consisting of six blocks for up to 6 single detached dwellings (Blocks 1 to 6), one block for a private road and stormwater management dry pond (Block 7) and one block for an Environmentally Significant Area and Vegetation Protection Zone (Block 8); subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "D" to Report PED18144.
- (c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act* and By-law No. 18-126, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.
- (d) That **Amended Draft Plan of Condominium Application 25CDM-201507, by Don and Susan Pede (Owners)**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road, stormwater management dry pond, and Environmentally Sensitive Area and Vegetation Protection Zone, on lands located at 706 Highway No. 8 Flamborough, as shown on Appendix "E" to Report PED18144 be **APPROVED**, subject to special conditions:
 - (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201507, applies to the plan prepared by IBI Group and certified by D. McLaren, O.L.S., dated, June 22, 2018, consisting of a condominium road, stormwater management dry pond, and Environmentally Sensitive Area and Vegetation Protection Zone, attached as Appendix "E" to Report PED18144;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201507, attached as Appendix "F" to Report PED18144, be received and endorsed by City Council.

EXECUTIVE SUMMARY

The purpose of the Zoning By-law Amendment is for a change in zoning from the current Site Specific Settlement Residential (S1) Zone to a modified Site Specific Settlement Residential (S1) Zone which allows for residential lots having a minimum area of 0.42 ha and permits a maximum of three bedrooms per dwelling. This

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Amendment will also modify the boundaries of the Conservation / Hazard Land – Rural (P7) Zone to reflect and provide protection for the existing natural heritage features.

The purpose and effect of the Draft Plan of Subdivision Application “Butternut Hill” is to permit the development of:

- Six blocks for single detached dwellings;
- One block for a Common Element Condominium road and stormwater management (SWM) facilities; and,
- One block for an Environmentally Sensitive Area (ESA) and Vegetation Protection Zone (VPZ).

The purpose and effect of the Draft Plan of Condominium Application is to establish a common element condominium consisting of:

- Common Element Condominium road and stormwater management (SWM) facilities; and,
- Common Element Environmentally Sensitive Area (ESA) and Vegetation Protection Zone (VPZ).

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (PPS) (2014), conform to the Greenbelt Plan (2017) and the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the policies of the Rural Hamilton Official Plan (RHOP).

Alternatives for Consideration – See Page 31

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for an Amendment to the Zoning By-law and for approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element).

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HISTORICAL BACKGROUND

Proposal:

The subject property is located within the Rockton Rural Settlement Area, on the north side of Highway No. 8, east of the intersection of Highway No. 8 and Old Highway No. 8, and are municipally known as 706 Highway No. 8 (see location map attached as Appendix "A" to Report PED18144). The property includes two existing dwellings to remain, one of which has been identified as having Built Heritage Significance. Provincially Significant Woodlands and Wetlands are also located on the property. The remainder of the subject property is farmed with agricultural crops.

The Draft Plan of Subdivision is for:

- Six blocks for single detached dwellings (Blocks 1-6), containing one existing single detached dwelling to be accessed via a new condominium road (Block 3) and one block (Block 6) containing an existing single detached dwelling to be accessed directly by Highway No. 8 via an existing driveway. Block 6 also contains an agricultural use to the north of the natural heritage feature (Block 8). New single detached dwellings are proposed to be constructed on Blocks 1, 2, 4 and 5;
- One block containing the condominium road and SWM dry pond (Block 7); and,
- One block containing the ESA and VPZ (Block 8).

The Draft Plan of Condominium is for:

- Common Element Condominium Road serving access to Blocks 1-5, and SWM dry pond (Block 7); and,
- Common Element containing an ESA and VPZ (Block 8), accessed via Blocks 1-5.

Zoning By-law No. 05-200 Amendment

At the time that the original application was submitted the Town of Flamborough Zoning By-law No. 90-145-Z was in effect on the subject property. The application proposed changes in zoning, as follows:

- From Agricultural "A" Zone to a Site Specific Residential "R2" Zone to permit a minimum lot area of 0.42 ha and minimum lot frontage of 30 m;
- From Agricultural "A" Zone to the Conservation Management "CM" Zone;
- Site Specific Residential "R2" Zone with a Holding Provision to a Site Specific Residential "R2" Zone to permit a minimum lot area of 0.42 ha and minimum lot frontage of 30 m; and,

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- Site Specific Residential "R2" Zone with a Holding Provision to the Conservation Management "CM" Zone.

On July 10, 2015, By-law No. 15-173 came in force and effect, removing the subject property from Town of Flamborough Zoning By-law No. 90-145-Z, adding the subject lands to the City of Hamilton Zoning By-law 05-200, zoned Settlement Residential (S1, 60) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone.

In response to comments received on the original application, the Applicant submitted a revised application to rezone the subject property, as shown on Appendix "B" to Report PED18144, from Settlement Residential (S1, 60) Zone to Settlement Residential (S1, 23) Zone, and to permit a minimum residential lot size of 0.42 ha, with the single detached dwellings having a maximum of three bedrooms per dwelling, and to amend the boundaries of the Conservation / Hazard Land – Rural (P7) Zone. No change has been proposed to the Conservation / Hazard Land – Rural (P8) Zone.

Staff amended the application to further revise the boundaries of the Conservation / Hazard Land – Rural (P7) Zone to include the additional lands owned by the Applicant, located north of the natural heritage feature and currently used to grow agricultural crops.

Draft Plan of Subdivision:

The original application included a Draft Plan of Subdivision which proposed to create:

- Seven new residential blocks;
- One condominium road including stormwater management (SWM) dry pond; and,
- One block containing the natural features and lands currently in use for agricultural crops.

In response to comments received on the original application, the Applicant submitted a revised Draft Plan of Subdivision, as shown on Appendix "C" to Report PED18144, intended to create:

- Six blocks for up to six single detached dwellings (Blocks 1 to 6), including:
 - One existing dwelling, accessed via the proposed Common Element Condominium Road (Block 3); and,
 - One existing dwelling, accessed via a private road (Block 6);
- One block for a Condominium Road and SWM dry pond (Block 7); and,

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- One block for an Environmentally Significant Area and Vegetation Protection Zone (Block 8), having no road frontage, accessed via residential blocks (Blocks 1-5).

Draft Plan of Condominium (Common Element):

The original application included a Draft Plan of Condominium which proposed to create one Common Element containing the condominium road and SWM facilities.

The revised Draft Plan of Condominium (Common Element), as shown on Appendix "E" to Report PED18114, is intended to create:

- One common element containing a private road and SWM dry pond; and,
- One common element located north of the residential blocks, containing an Environmentally Sensitive Area and Vegetation Protection Zone.

Chronology:

May 8, 2015: Zoning By-law Amendment Application ZAC-15-028, Draft Plan of Subdivision Application 25T-201506 and Draft Plan of Condominium (Common Element) 25CDM-201507 received.

June 3, 2015: Applications deemed to be complete.

June 12, 2015: Notice of Complete Application and Preliminary Circulation was sent to 19 property owners within 120 m of the subject property.

June 23, 2015: Public Notice Sign was posted on the subject property.

July 10, 2015: By-law No. 15-173, removing the subject property from Town of Flamborough Zoning By-law No. 90-145-Z, adding the subject lands to the City of Hamilton Zoning By-law 05-200, in force and effect.

July 18, 2018: Public Notice Sign updated with Public Meeting Date.

July 27, 2018: Circulation of the Notice of Public Meeting was mailed to 19 property owners within 120 m of the subject property.

DETAILS OF SUBMITTED APPLICATIONS

Location: Municipally known as 706 Highway No. 8 (Flamborough)

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Owners: Don and Susan Pede

Agent: IBI Group (c/o John Ariens)

Property Size: Lot Area: 7.66 ha

Frontage: 218.8 m

Depth: 380 m approximately, varies

Servicing: No Municipal Services Available

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject property:	Two single detached dwellings and Agricultural field crops.	Settlement Residential (S1, 60) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone.
<u>Surrounding Lands:</u>		
North:	Agricultural field crops.	Rural (A2) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land - Rural (P8) Zone.
East:	Beverly Community Park, Beverly Central Elementary School (under construction).	City Wide (P3) Zone.
South:	Single detached dwellings, Agricultural field crops.	Settlement Residential (S1) Zone and Rural (A2) Zone.
West:	Single detached dwelling units.	Settlement Residential (S1, 60) Zone and Settlement Residential (S1) Zone.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

With respect to Cultural Heritage, the PPS states:

“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.*”

The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 2) Local knowledge associates areas with historic events / activities / occupations;
- 3) In an area of sandy soil in areas of clay or stone; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 Archaeological Assessment report (P384-0164-2014) was submitted to the City of Hamilton and the Ministry of Tourism, Culture and Sport. Staff reviewed the report and concurred with the recommendation that a Stage 3 Site-specific Assessment be conducted for the site identified in the report as the R. Hunter Site (AhHa-311). The subject property is not formally recognized under the *Ontario Heritage Act* through designation or included on the City of Hamilton's Register of Property of Cultural Heritage Value or Interest, but comprises of an historic farmhouse which staff have identified as being of potential cultural heritage value. The farmhouse is believed to be the homestead of R. Hunter, as indicated in the Stage 1-2 Archaeological Assessment submitted and shown on the 1875 Wentworth County Atlas excerpt. The requirement for a Stage 3 Assessment has been addressed as Condition No. 16 of Appendix "D" to Report PED18144. Staff strongly encourage that the existing dwelling be retained and incorporated into the new development.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2014, it is staff's opinion that the application is:

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- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the Provincial Policy Statement.

Greenbelt Plan (2017)

The applications have been reviewed against the policies of the Greenbelt Plan, 2017. The Greenbelt Plan designates the subject property as being within a Hamlet on Schedule 1 and within the Protected Countryside of Schedule 4: Natural Heritage System. Therefore, the following policies, amongst others, are applicable to the proposal.

“3.2.3 Water Resource System Policies

1. All planning authorities shall provide for a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas and functions and include a systems approach to the inter-relationships between and/or amongst *key hydrologic features* and *key hydrologic areas*.”

The subject property is located within the Natural Heritage System of the Protected Countryside of the Greenbelt Plan. Therefore it is necessary that these applications demonstrate no negative impacts to that system.

The Hydrogeological Study that has been submitted by the Applicants indicates that the proposed lot sizes combined with the adjacent Block 8 common element provide sufficient land to each residential lot to effectively treat anticipated added pollutants associated with private residential waste water treatment systems. Further protection will be achieved by limiting future development of detached residential dwelling units to a maximum of three bedrooms, and by prohibiting development of any new buildings or structures in the common element Block 8. These measures will be implemented through the Site Specific By-law, attached as Appendix “B” to Report PED18144. Staff have not yet determined that sufficient water quality and quantity is available for the proposed development and require, as Condition Nos. 23 to 25 of Appendix “D” to Report PED18144, that this be demonstrated prior to final approval. Staff are satisfied that these applications and the conditions to be implemented through the Draft Plan of Subdivision and Draft Plan of Condominium will protect the water resources of the subject property and surrounding lands.

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“3.4.4 Hamlet Policies

1. Hamlets are subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2. Limited growth is permitted through infill and *intensification* of Hamlets subject to appropriate water and sewage services.”

These applications introduce limited intensification development on underutilized land within the Rural Settlement Area of Rockton, which recognizes where a variety of uses have clustered and is intended to be residential and service centres that serve the immediate community and the surrounding rural area. This municipal designation reflects the Greenbelt Plan’s identification of this area as a Hamlet, and has demonstrated that the subject property can sustainably support private water and sewage services.

Therefore, these applications conform with the Greenbelt Plan.

Growth Plan for the Greater Golden Horseshoe (2017)

The policies of the Growth Plan for the Greater Golden Horseshoe apply to any planning decision. The subject property is located within a Rural Settlement Area. As such the following policies, amongst others, apply.

“2.2.9 Rural Areas

6. *New multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.”*

These applications conform with the above policy in that residential intensification is within the Rural Settlement Area of Rockton within the UHOP, which recognizes where a variety of uses have clustered and is intended to include residential and service centres that serve the immediate community and the surrounding rural area.

“4.2.2.3 Within the Natural Heritage System:

- a) new development or site alteration will demonstrate that:

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- (i) there are no negative impacts on key natural heritage features or key hydrologic features or their functions;
- (ii) connectivity along the system and between key natural heritage features and key hydrologic features located within 240 m of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape.

4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

4.2.4.2. Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during, and after *development* to protect the *hydrologic functions* and *ecological functions* of the feature.

4.2.4.3. *Development or site alteration* is not permitted in the *vegetation protection zone*, with the exception of that described in policy 4.2.3.1 or shoreline *development* as permitted in accordance with policy 4.2.4.5.”

These applications are consistent with the Growth Plan policies to protect natural heritage features, and sensitive water features located along the northern boundary of the subject property. Together with the Applicant, the Hamilton Conservation Authority and the City of Hamilton undertook a refinement of the southern boundaries related to unevaluated wetlands and significant woodlands located within the subject property. The revised Environmental Impact Study (EIS) indicates that a Vegetation Protection Zone (VPZ) of 30 m or greater will buffer the Provincially Significant Wetland, and minimum 7.5 m VPZ from the woodland. Although the 7.5 m VPZ is below the required 30 m VPZ recommended in the Greenbelt Plan, staff are satisfied that this VPZ will protect the ecological features and functions of the Significant Woodland due to the large lot sizes, the small and disturbed condition of the woodland and its association with the stream and wetland.

These VPZ’s satisfy staff that these Natural Heritage Features will be protected from future development. These features and VPZ’s are to be implemented as a common condominium element and through appropriate zoning. Through Condition Nos. 17 to 22 of Appendix “D” to Report PED18144, the Applicants will protect or replace trees and other vegetation in accordance with the Tree Protection Plan and the *Migratory Birds Convention Act* and will protect the natural features.

Based on the foregoing, it is staff’s opinion that the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

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Rural Hamilton Official Plan (RHOP)

The subject property is identified as a "Rural Settlement Areas" on Schedule "D" – Rural Land Use Designations. They are located within the Rockton Rural Settlement Area of the RHOP.

The following policies, amongst others, apply to the subject property.

Cultural Heritage Resources Policies

- "B.3.4.1.4 Encourage the rehabilitation, renovation, and restoration of built *heritage resources* in order that they remain in active use.
- B.3.4.4.3 In areas of *archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:
- a) may be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:
 - i) site plan applications; and,
 - ii) plans of condominium."

As previously discussed, a Stage 3 Site-specific Assessment is required and will be addressed as a condition of approval of the Draft Plan of Subdivision.

Hazard Lands

- "B.3.6.5.4 The portion of properties that contain *hazard lands* shall be identified through zoning.
- B.3.6.5.8 *Development* and *site alteration* shall be prohibited in *hazard lands*."

The subject property is affected by flood and erosion hazards associated with West Spencer Creek, which flows through the northern portion of the subject property. The extent of these hazards has been determined through a Meander Belt Assessment. Staff are satisfied that the extent of the flood and erosion hazards is adequately protected through the protected area containing the natural heritage / natural hazard lands and associated VPZ's (Block 8).

Natural Heritage

Based on mapping within Volume 1 of the RHOP (Schedule "B-2", Schedule "B-4" and Schedule "B-8"), natural heritage features were identified on the subject property. There are key hydraulic features and key natural heritage features including wetlands and woodlands. The subject property is within the Greenbelt Protected Countryside and contains elements of the Greenbelt Natural Heritage System.

"C.2.4.6 New *development* or *site alteration* subject to Sections C.2.4.1, C.2.4.2, C.2.4.3, C.2.4.5, C.2.4.7, C.2.4.8 and C.2.4.9 requires, prior to approval, the submission and acceptance of an Environmental Impact Statement, which demonstrates to the satisfaction of the City in consultation with the relevant Conservation Authority that:

- a) There shall be no *negative impacts* on the *Core Areas* or their *ecological functions*;
- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or *site alteration* wherever possible; and

C.2.4.7 Where *non-agricultural uses* are proposed within the Greenbelt Natural Heritage System, Applicants shall demonstrate that:

- a) At least 30 percent of the total developable area of the site will remain or be returned to *natural self-sustaining vegetation*;

C.2.4.8 Beyond the Greenbelt Natural Heritage System within the Protected Countryside new *development* and *site alteration* shall not be permitted within or adjacent to *key natural heritage features* in the Greenbelt Protected Countryside unless it has been evaluated through an Environmental Impact Statement and has been demonstrated that there shall be no *negative impacts* on the natural features or their *ecological functions*.

C.2.4.9 New *development* and *site alteration* within the Protected Countryside of the Greenbelt Plan Area that is proposed to take place within or adjacent to any other *Core Area* identified on Schedule B - Natural Heritage System, through a consent, Plan of Subdivision, Zoning By-law, Site Plan approval, Official Plan amendment or *Site Alteration* By-law permit shall require an Environmental Impact Statement in accordance with Sections C.2.4.6 of this Plan.

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- C.2.4.10 An Environmental Impact Statement shall also propose a *vegetation protection zone* which:
- a) Has sufficient width to protect the *Core Area* and its *ecological functions* from impacts of the proposed land use or *site alteration* occurring during and after construction, and where possible, restores or enhances the *Core Area* and/or its *ecological functions*; and
 - b) Is established to achieve, and be maintained as *natural self-sustaining vegetation*.
- C.2.12.3 *Development and site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features*, *sensitive ground water features*, and their *hydrologic functions*.”

The EIS, prepared by Colville Consulting Inc., dated February 2016, was submitted and was reviewed by City staff and ESAIEG. The EIS demonstrated, to the satisfaction of Staff, that the proposed VPZ’s will protect the core areas or their ecological functions from negative impacts. As discussed, impacts to natural features have been minimized through the application to amend Zoning By-law No. 05-200 and conditions to be implemented through the approvals of the Draft Plan of Subdivision and Draft Plan of Condominium. The portion of the subject property that contains the natural features is 1.69 ha in area. This area will be protected through the change in zoning to Conservation / Hazard Land – Rural (P7) Zone (see Appendix “B” to Report PED18144).

Integrated Transportation Network

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:
- a) Provincial highways, subject to the following general policies:
 - i) There are two primary provincial highways located within the City – Highway 403 and the QEW. Additionally, Highway 6, Highway 8, and Highway 5, are provincially owned facilities and have unique classifications. *Development* which falls

within the Ministry of Transportation's permit control area is subject to the requirements of the provincial government.

- ii) New entrances or the upgrading of entrances within the Ministry of Transportation's permit control area of a provincial highway shall be subject to the approval of the Ministry of Transportation.

C.4.5.5 A common element condominium road shall be considered as a public road or publicly assumed road for the purposes of the Zoning By-law and this Plan."

These applications propose a common element condominium road (Block 7), by which the proposed Blocks 1-5 will be accessed. The Draft Plan of Subdivision has been revised to incorporate 14 m setback required by the Ministry of Transportation Ontario (MTO). This is addressed as Condition No. 27 of Appendix "D" to Report PED18144. The existing dwelling, located on Block 6, will continue to be accessed directly from Highway No. 8. Additional requirements of the MTO, relating to the entrance to the private road common element (Block 7) will be addressed as Condition Nos. 26 to 30 of Appendix "D" to Report PED18144.

Infrastructure

"C.5.1.1 No draft, conditional, or final approval of *development* proposals shall be granted by the City for any *development* in the *rural area* that could impact existing *private services* or involves proposed *private services* until the *development* proposal has complied with all of the following:

- a) Prior to or at the time of application for a proposal that could impact existing *private services* or involves proposed *private services*, *development* proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.2 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.

- c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall be the size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, and shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a proposed new lot be less than one acre. The maximum lot size shall be in accordance with Policy F.1.14.2.1 g).
- d) *Development* of a new land use or a new or replacement building on an existing lot that require(s) water and / or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 g).
- e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact.
- g) The existing or proposed water supply system shall include a well with sufficient quantity of water to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.

C.5.4.1 The location and construction of new storm water management ponds and the expansion, extension and operation of *existing* facilities on lands designated as Agriculture, Specialty Crop, Rural, Utilities and Rural Settlement Area on Schedule D - Rural Land Use Designations shall meet the following conditions:

- a) Storm water management ponds are prohibited within *key natural heritage* and *key hydrologic features* or their *vegetation protection zone*; and,

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- c) Storm water management ponds shall be permitted only for uses that serve the rural area.”

As previously discussed, the submitted Hydrogeological Study indicates that sufficient land and development controls to be implemented through conditions of approval of the Draft Plan of Subdivision, have been proposed to provide sustainable private water and wastewater services. The smallest block proposed is Block 3, having 1.06 ac (0.42 ha).

These applications propose that a storm water management dry pond be included in the common element condominium road (Block 7). Staff find the proposed pond to be an acceptable tool for managing storm water on site. However, the proposed design has not yet been finalized and will be addressed through Condition No. 4 to Appendix “D” to Report PED18144.

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the Planning Act.”

The proposed Plan of Subdivision has not been identified in the City of Hamilton’s Staging of Development Plan because no municipal water or waste water servicing is available to the subject property.

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The proposal is consistent with the Criteria for Staging of Development in that the subject lands are located with a Rural Settlement Area, and the Applicants have demonstrated, to the satisfaction of staff and subject to the proposed Draft Plan of Subdivision conditions, that adequate conditions will support private water and waste water facilities. As has been previously discussed, and subject to appropriate conditions, the proposed Draft Plan will not adversely impact the natural environment or transportation system, will be integrated with existing lands and roads, and will not adversely impact municipal finances.

Rockton Rural Settlement Area Plan

The subject property is designated "Settlement Residential" and "Natural Open Space (Hazard Lands)" in Volume 2 – Secondary Plans and Rural Settlement Area Plans of the RHOP.

"A.1.2.3 The predominant use of land in Rural Settlement Areas shall be single detached residential development. Small scale commercial uses, parks, institutional uses serving the rural community, such as schools and places of worship, may also be permitted, as set out in the following policies, and Schedules and Maps of Volume 2 of this Plan.

A.1.2.4 Development in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:

- a) Within the Rural Settlement Areas, development shall be of a height, density, area and nature to be compatible with the existing built environment;
- b) All development shall be required to obtain approval from the City for servicing. Any development shall be serviced in accordance with Section C.5.1 Sustainable Private Water and Wastewater Services of Volume 1 of this Plan; and
- c) The development shall comply with the Natural Heritage System Policies Section C.2.0, Volume 1 of this Plan.

A.1.2.6 New residential development which is dependent upon a new public road or extension to an existing public road shall only proceed on the basis of a Plan of Subdivision.

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A.1.2.8 To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to conserve *cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites* and the overall settlement character.

A.1.2.9 To conserve the settlement character, construction of new buildings or renovation of existing buildings shall be sympathetic to and consistent with the existing heritage attributes of the Rural Settlement Area, including, but not limited to, consideration of traditional minimum lot sizes and setbacks in accordance with Section C.5.1 of Volume 1, building massing and orientation, and preservation of views, open spaces, and landmarks.”

Settlement Residential

“A.1.3.1 On lands designated Settlement Residential, residential uses are limited to single detached dwellings, small scale residential care facilities, and *small scale* institutional uses shall be permitted subject to the following policies:”

The proposed use of single detached dwellings and the block pattern comply with the Rockton Rural Settlement Area policies.

Natural Open Space (Hazard Lands)

“A.1.7.5 All lots abutting a Natural Open Space (Hazard Lands) which are subject to Conservation Authority regulations shall require specific Zoning By-law regulations regarding lot area and setbacks from the associated hazard. These requirements may be reduced by a Zoning By-law amendment, subject to the requirements of the appropriate Conservation Authority and the City.

A.1.7.3 No *development*, including the placement or removal of fill, new buildings and structures or other works associated with flood or erosion control, shall be permitted without the written approval of the appropriate Conservation Authority.”

Map 13 depicts the Rockton Rural Settlement Area Plan, effective June 22, 2016. The original applications were submitted under prior Rural Settlement Plan Area mapping. Previous mapping did not identify Natural Open Space (Hazard Lands) on the subject property. However, current mapping identifies the Provincially Significant Wetlands on the subject property as a Natural Open Space (Hazard Lands). As previously discussed, these applications include refinement of the boundary of Natural Heritage Features that

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are located within this designation and the revised Draft Plan of Subdivision, conditions of approval and the Site Specific Zoning include measures to protect these features.

Therefore, the proposal complies with the RHOP.

Zoning By-law 05-200

The subject property is currently zoned Settlement Residential (S1, 60) Zone, Conservation / Hazard Land - Rural (P7) Zone, and Conservation / Hazard Land - Rural (P8) Zone. The following uses are permitted:

- Settlement Residential (S1, 60) Zone permits a Single Detached Dwelling with a minimum lot area of 0.9 ha; and,
- Conservation / Hazard Land - Rural (P7) and (P8) Zones permit the following uses, amongst others:
 - Conservation;
 - Agriculture;
 - Existing Single Detached Dwelling; and,
 - New Buildings and Structures are not permitted.

The Applicants are requesting the following changes in zoning for portions of the subject property (see Appendix "B" to Report PED18144):

- Block 1 is for a change in zoning from Settlement Residential (S1, 60) Zone to the Conservation / Hazard Land - Rural (P7) Zone to preserve natural features and the existing agricultural use located north of the features;
- Block 2 is for a change in zoning from Conservation / Hazard Land - Rural (P7) Zone to the Settlement Residential (S1, 23) Zone to permit a minimum lot size of 0.42 ha;
- Block 3 is for a change in zoning from Settlement Residential (S1, 60) Zone to the Settlement Residential (S1, 23) Zone to permit a minimum lot size of 0.42 ha; and,
- The remaining portion of the subject lands will remain zoned as Conservation / Hazard Land - Rural (P7) and (P8) Zones.

The proposed zoning modification for minimum lot size will be discussed in greater detail in the Analysis and Rationale for Recommendations Section of this Report.

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RELEVANT CONSULTATION

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

- Hamilton Police Service;
- Recreation Planning, Community and Emergency Services;
- Hamilton Municipal Parking System;
- Hydro One; and,
- Bell Canada.

The following Departments and Agencies submitted the following comments:

Canada Post Corporation advised that home / business mail delivery will be from a designated Centralized Mail box and that the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sale. The Owner shall include concrete pads to facilitate the placement of a community mail box in a location approved by Canada Post. The pad is to be poured at the time of the sidewalk and / or curb installation.

This has been addressed through Condition Nos. 8, 34 and 35 in Appendix "D" and Condition No. 4 (c) and (d) in Appendix "F" to Report PED18144.

Traffic Planning (Planning and Economic Development Department) advise that Highway No. 8 is under the jurisdiction of the province and so they have no comment.

Public Health Services (Healthy Environments Division) does not object to the creation of six residential blocks, provided that the intent of the minimum lot size criteria as recommended in the Rockton Settlement Capability Study is met through the proposed lot sizes combined with the proposed development prohibition on the adjacent natural heritage common element. The proposal implements these requirements.

Hamilton Water (Public Works Department) is satisfied that these applications have addressed issues identified in the Rockton Settlement Capability Study, and that the common elements (e.g., Environmentally Sensitive Area and Vegetative Protection Zone) will not develop in the future. The proposed lots are sufficiently sized so that a tertiary treatment system is not required. Conditions of approval for the Draft Plan of Subdivision include the delineation of septic, reserve septic and wells, that a maximum of three bedrooms be permitted per residential unit, and that the Applicants demonstrate sustainable water supply and potable quality for each of the proposed lots.

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The requested conditions have been addressed through Condition Nos. 23 to 25 in Appendix "D" to Report PED18144.

Forestry and Horticulture Section (Public Works Department) requires as a condition of approval of the Draft Plan of Subdivision that a Tree Management Plan be submitted to the satisfaction of Forestry and Horticulture staff. The Street Tree Planting condition will be cleared upon receipt of a plan depicting new trees and a cash payment. Staff note that this is addressed in Condition Nos. 32 and 33 in Appendix "D" to Report PED18144.

Waste Management (Operations Division) has identified that the proposal is eligible for municipal waste collection services. They require that a turnaround area allowing for a maximum three-point turn of not more than one truck length be provided to the satisfaction of staff.

Hamilton Conservation Authority (HCA) do not have concerns with the revised FSR and SWM reports. They recommend that the SWM pond include a treatment train approach including an oil / grit separator and enhanced dry swale and recommend an energy dissipater / splash pad at the pond outlet.

HCA participated in staking the wetland boundary and notes that the subject property is within the West Spencer Creek subwatershed and is traversed by the West Spencer Creek. They note the presence of a hybrid butternut tree, and that the breeding bird survey conducted on July 21, 2012 is not consistent with Ontario Breeding Bird Atlas or Forest Bird Monitoring protocols. However, they are satisfied that no further surveys are required. Additional information is required for at risk or threatened species. They indicate that construction or site alteration is not permitted within or adjacent to the Provincially Significant Wetland or Woodland, and that the VPZ is to be planted with native trees and shrubs. Mitigation measures must outline other potential impacts of residential development such as predation on wildlife by pets, spread of invasive plants, vegetation removal and dumping. Finally, they require a meander belt assessment with hazard limits and wetland water balance as well as a HCA permit prior to development.

These requirements are addressed in Condition Nos. 36 to 38 in Appendix "D" to Report PED18144.

The Ministry of Transportation (MTO) is satisfied with the revised Draft Plan of Subdivision in that the common element roadway will not encroach within 14 m of highway right of way. MTO requires permits for the access to the existing residence, on lands owned by the Applicant (Block 6). They also require that the owner enter into legal agreement with MTO whereby the owner agrees to assume financial responsibility for studies and any resulting construction of all associated highway improvements. The

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MTO will require the following to be included as a condition of draft approval for the Draft Plan of Subdivision:

- That prior to registration of the Draft Plan of Subdivision, a Left Turn Lane Warrant Analysis is required for the entrance into the subdivision to determine if any further analysis is required and / or if highway improvements are required to accommodate traffic operations related to the subdivision traffic to the satisfaction of the Ministry of Transportation;
- That, prior to registration of the Draft Plan of Subdivision, the Applicants must demonstrate, to the satisfaction of the Ministry, that land uses and structures that are integral to site operations or are essential to the viability of the site are set back a minimum of 14 m from the Highway 8 Right of Way limits. The "Block 7" – common element provides access to the subdivision, and is essential to the viability of the subdivision and the future sites. The portion of Block 7 that abuts and runs parallel to Highway 8 ROW should therefore be outside the 14 m setback.
- Prior to preliminary grading, detailed design is to be submitted to the satisfaction of the Ministry of Transportation, and entrance permits for the proposed entrance to Block 6 are to be issued by the Ministry of Transportation.
- That prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval, a detailed stormwater management report, in accordance with MTO Stormwater Management Requirements for Land Development Proposals.
- That prior to final approval, a 0.3 m reserve extending across the entire highway frontage, excepting for the common element roadway / driveway entrance, be conveyed by deed to the Ministry of Transportation. All deed must be free of all encumbrances.

These requirements are addressed in Condition Nos. 26 to 30 in Appendix "D" to this Report.

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 for the Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium Applications was circulated to 19 property owners within 120 m of the subject property on June 12, 2015. A Public Notice sign was posted on the subject property on June 23, 2015 and updated on July 18, 2018 with the Public Meeting date. Finally, Notice of the Public Meeting was circulated to 19 property owners on July 27, 2018. Two letters were

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received as a result of the circulation attached as Appendix "G" to Report PED18144. The letters identified concerns related to water supply and private waste water treatment, the potential size and location of future residential dwellings, nuisance, increased property taxes, decreased property value and potential loss of farmland. These concerns are discussed in the Analysis and Rationale for Recommendation of this Report.

Public Consultation Strategy

These applications were received on May 8, 2015, prior to the requirement for a Public Consultation Strategy.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium Applications have merit and can be supported for the following reasons:
 - (i) The applications are consistent with the Provincial Policy Statement (2014), and conform to the Greenbelt Plan (2017) and Growth Plan for the Greater Golden Horseshoe (2017);
 - (ii) The proposal complies with the RHOP in that the proposed single detached dwellings are permitted and the proposal represents good planning by directing growth into existing Rural Settlement Areas, maintaining sustainable private water and wastewater services and protecting natural heritage features.
2. The applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, known as "Butternut Hill", are to permit the creation six new residential blocks having a minimum lot area of 0.42 ha, and a maximum of three bedrooms per dwelling unit, a common element containing Environmentally Significant Areas and Vegetation Protection Zone, a common element condominium road and storm water management dry pond, and one block for continued agricultural use.
3. The Applicant has applied for a Zoning By-law Amendment for the subject property for the following:
 - Block 1 is for a change in zoning from Settlement Residential (S1, 60) Zone to the Conservation / Hazard Land - Rural (P7) Zone to preserve natural features and the existing agricultural use located north of the features;

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- Block 2 is for a change in zoning from Conservation / Hazard Land - Rural (P7) Zone to the Settlement Residential (S1, 23) Zone to permit a minimum block size of 0.42 ha; and,
- Block 3 is for a change in zoning from Settlement Residential (S1, 60) Zone to the Settlement Residential (S1, 23) Zone to permit a minimum block size of 0.42 ha.

The subject property includes provincially significant wetlands and woodlands. The southern boundaries of these natural heritage features have been refined in coordination with the Hamilton Conservation Authority. These applications included the submission of an EIS which recommends a 30 m VPZ along the southern boundary of the wetlands and 7.5 m VPZ along the southern boundary of the woodland, buffering the Natural Heritage Features from the proposed residential blocks. As a condition of the Draft Plan of Subdivision, the Natural Heritage Features and VPZ are to be delineated through informational signage and / or through a planted boundary indicator. As a result of the boundary refinement, staff have determined that portions of the subject property which are currently zoned Conservation / Hazard Land - Rural (P7) Zone are acceptable for limited development without negatively affecting the Natural Heritage Features, and are proposed be rezoned to the Settlement Residential (S1, 23) Zone. Additionally, natural heritage features and VPZ, as well as lands located north of the natural heritage features, to be preserved for agricultural use, are to be entirely encompassed by Conservation / Hazard Land – Rural (P7) and (P8) Zones. These are shown in Appendix “B” to Report PED18144. Therefore, staff support the changes in zoning.

Modification to the minimum lot size and restriction on bedrooms

The function of the minimum lot size in the Rockton Rural Settlement Area is to ensure that adequate and sustainable private water and waste water services are available for proposed blocks, without negatively impacting surrounding existing uses. A Zoning By-law Amendment is required to permit a minimum lot size of 0.42 ha, which is the smallest size of the proposed blocks. Staff have reviewed the Hydrogeological Study submitted by the Applicant, which limits development on the subject property to one residential dwelling per block, having a maximum of three bedrooms per dwelling unit. Staff are satisfied that the proposed lot sizes are sufficient to maintain sustainable water and waste water services for each block in addition to the restriction on the number of bedrooms. Therefore, staff support the modification.

4. The proposed Draft Plan of Subdivision will consist of six blocks, including two existing single detached dwellings, and enabling four new residential dwellings. It

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also includes two blocks, including one block for a private road and storm water management dry pond, one block for an Environmentally Significant Area and Vegetation Protection Zone.

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement, the Greenbelt Plan, the Growth Plan and the Rural Hamilton Official Plan including the Rockton Rural Settlement Area Plan;
- (c) The proposed condominium road will adequately service the proposed subdivision and can connect to the current road system;
- (d) The proposed Draft Plan of Subdivision can be appropriately subdivided and is determined to not negatively impact on the natural heritage features subject to approval of the Zoning By-law Amendment;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of surrounding neighbourhood; and,
- (f) The applications will not have any negative impact on the city's finances.

Therefore, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

5. The proposed Draft Plan of Condominium (Common Element) facilitates the proposed development by establishing a common element condominium for a condominium road, storm water management dry pond, Environmentally Sensitive Area and Vegetative Protection Zone, as shown on the attached plan, marked as Appendix "E" to Report PED18144. All residential properties will have access to the Environmental Sensitive Area, however, development or alteration will be restricted. The private condominium road will provide access to Highway No. 8. Five residential blocks will have access from the private condominium road and will hold an interest in the Common Element Condominium Corporation.
6. Growth Management has provided the following comments:

General

- The Owner agrees to remove and dispose of the existing pool, pool deck, fence, etc. generally located south of Block 3. The pool shall be completely

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removed and restored with engineered fill, compacted as recommended by a qualified Geotechnical Engineer, up to finished grade.

- The Owner shall include in the engineering design and cost estimates provision for adequate street lighting for the private road.
- The Owner shall submit a detailed sump pump design. The design shall consider the weeping tile inflow based on ground water and severe wet weather conditions.
- The Owner shall include in the engineering design and cost estimates for removal and replacement of the existing driveway culvert within the Highway No. 8 right of way.
- The Owner shall provide an easement, in favour of the condominium corporation, for the drainage swale between proposed Blocks 2 and 3. The easement width shall be a minimum of 4.5 m, subject to the final design requirements.
- The Owner agrees to submit individual lot grading plans showing the proposed septic systems, wells, soakaway systems, final house footprints and locations.
- The Owner shall fence the property line shared with the adjacent park (Beverly Community Park) to the City's standards if there is no appropriate existing park fencing. The park perimeter fencing will allow for pedestrian walkway connection to the park where required. The proposed location of the fencing and construction shall be indicated on a plan for approval by the Director of Strategic Planning.

Maintenance

- The Owner agrees to include the following warning clause in all agreements of purchase and sale for the Blocks 1, 2, 4, and 5:

“This dwelling unit being serviced by a well, septic disposal system and stormwater soakaway system will require routine maintenance and upkeep and it is the responsibility of the property owners to maintain these systems, in accordance with the guidelines and regulations of the City of Hamilton, Ministry of Environment and Climate Change and Ontario Building Code.”

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- The Owner agrees to advise purchasers through the agreement of purchase and sale of the recommended maintenance responsibilities for the SWM facilities.

Water, Wastewater and Sewer Servicing

These applications propose that six new residential blocks be created. Two of the blocks contain existing single detached dwellings with private services. Each block is proposed to be serviced through private water and waste water systems. The smallest block proposed is 0.42 ha. Each of the new blocks is abutted by a common element which encompasses the Natural Heritage Features of the site, and which is proposed to be zoned so as to prohibit future development on the common element. Staff are satisfied that the combination of the proposed new minimum residential block size and abutting lands (ESA and VPZ area) which prohibit development will maintain sustainable private services for existing and future residents. The following comments, pertaining to these portions of the subject property will be addressed as Draft Plan of Subdivision conditions:

- The existing and proposed wells and existing proposed septic systems on all lots must be clearly shown on all engineering submissions. The removal of the existing septic beds, wells, and any structures that may be required to be removed, shall be done so in accordance with the applicable guidelines (MOECC, City of Hamilton) and at the sole cost to the owner.
- A revised plan must be submitted that delineates the locations of septic system components and wells, ensuring that wastewater effluent will be directed away from any nearby water supply wells. The revised plan should also delineate a reserve area bed as per Rural Hamilton Official Plan requirements.
- The Applicant should demonstrate sustainable water services on site. This would include a pumping test in conformance with MOECC Guideline D-5-5 and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services.
- The Applicant shall demonstrate that water quality for each lot is potable. As a result, the Applicant shall test water quality parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4; the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta. A copy of the Chain of Custody shall be provided with the sampling results.

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Stormwater Management

These applications propose a common element condominium road and storm water management dry pond (Block 6). Staff find the proposed SWM pond to be an acceptable tool for managing storm water on site. However, the proposed design includes deficiencies that require revision. These deficiencies will be addressed in the conditions of the Draft Plan of Subdivision:

- The storm water management pond must be fully outside of the MTO's 14 m setback requirement.
- That a suitable storm outlet exists for drainage areas No. 300 and No. 400 (as identified on the Storm Drainage Area Plan contained within the December 15, 2017 Functional Servicing Report) should be demonstrated. In the event that a suitable storm outlet is not feasible for these areas, the Owner shall demonstrate that they have riparian rights for the outlet proposed through the adjacent private lands to the south.
- A detailed SWM report must be submitted prior to servicing. The report shall contain sufficient details and information to demonstrate that the proposed location of the SWM Pond will adequately accommodate the proposed facility's design and be in accordance with all current and applicable Storm Water Management Guidelines.
 - a) The post-development flows shall be maintained at the pre-development levels for all storm events up to and including the 100-yr storm event.
 - b) The proposed driveways shall incorporate permeable pavement as part of the overall water balance strategy.
 - c) Soakaway systems shall be designed and constructed at the bottom of the dry pond and bottom of the proposed 2.0 m wide flat bottom vegetative / enhanced swale to provide stormwater quality control for the drainage from the private road. A minimum separation between groundwater elevation and the bottom of any soakaway system would need to be maintained as per MOECC guidelines.
- The Owner agrees in writing to provide "as-built" lot grading plans for each lot showing the location, depth and size of the soakaway systems as part of final grading certification.

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SUBJECT: Applications to Amend the Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) - Page 30 of 32

- The Owner agrees in writing to provide certification by a qualified professional engineer that the soakaway systems on each lot has been installed in accordance with the approved plans and that roof leaders have been directed to the soakway systems as required.

These requirements have been addressed as Condition Nos. 1 to 15 and 31 of Appendix "D" to Report PED18144 and as Condition Nos. 4 (e) of Appendix "F" to Report PED18144.

7. Growth Management has required a blanket easement in favour of the Condominium Corporation that covers all shared services on the development over the Storm Water Management facility.

This requirement have been addressed as Condition No. 9 of Appendix "F" to Report PED18144.

8. Two letters were received as a result of the circulation (see Appendix "G" to Report PED18144). The overall issues are generally summarized as follows:

Water supply and private waste water treatment and positioning of private facilities

Adjacent property owners recognize that studies have been undertaken to determine adequate servicing for the proposal. However, they would like to understand how it would be resolved in the event that their wells were to become impacted. They recognize measures to control the size of future development, but have concerns with respect to the location of the private waste water facilities.

The hydrogeological study submitted by the Applicant indicated that, due to local elevations and groundwater flow direction, wastewater effluent will be moved away from neighbouring properties towards the wetland feature and watercourse. All lots are sized appropriately so that wastewater pollution can be entirely managed on a given property. In terms of water quantity, staff note that a pumping test has to be conducted on site and that the Applicant will coordinate with the adjacent residents the monitoring of their wells when this occurs. The required pumping tests will also determine what impacts, if any, would be experienced by adjacent residents in the local aquifer. The pumping test requirement is Condition No. 24 of Appendix "D" to Report PED18144.

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Nuisance

Adjacent property owners have concern that the proposed residential properties would permit uses that are not compatible, including agricultural related uses such as fowl. However, no such uses are permitted in the proposed Site Specific Settlement Residential (S1) Zone, which only permits Residential Care Facilities and Single Detached Dwellings on lots which abut adjacent residential properties. The portion of the subject lands that will be zoned Conservation / Hazard Land – Rural (P7 and P8) Zones prohibit residential development and will serve to protect the natural areas from any negative impacts.

Agricultural landscape and potential loss of farmland

Adjacent property owners have expressed concern that approval of this development will reduce the agricultural landscape which was a contributing factor to their choice to move to the area in 2014. The subject property is located within a Rural Settlement Area which is intended to be residential, in accordance with Section D.5.0 of the RHOP. As such, and where as the Applicant has demonstrated that the subject property will support private services and conserve natural heritage features, staff support the development of these lands for residential use.

Increased property taxes and decreased property value

A concern was raised with respect to the proposal causing a negative impact on property values or increase in taxation of existing properties in the area. Staff are not aware of any supporting information or any empirical data with respect to property devaluation or taxation increase that would substantiate this concern.

ALTERNATIVES FOR CONSIDERATION

Should these applications be denied, the lands could not be developed for the proposed residential draft Plan of Subdivision. The lands zoned Settlement Residential (S1, 60) Zone could be developed for residential use in accordance with the Settlement Residential (S1) Zone, to a minimum lot area of 0.9 ha. The lands zoned Conservation / Hazard Land – Rural (P7) Zone, and Conservation / Hazard Land – Rural (P8) Zone will maintain their existing boundaries and continue to prohibit development.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft By-law and Schedule A Map

Appendix "C" – Revised Draft Plan of Subdivision

Appendix "D" – Draft Plan of Subdivision Conditions

Appendix "E" – Proposed Draft Plan of Condominium

Appendix "F" – Draft Plan of Condominium Conditions

Appendix "G" – Letters from the Public