



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 5050 Harrison Road, Glanbrook (PED18204) (Ward 11)
WARD AFFECTED:	Ward 11
PREPARED BY:	Ryan Ferrari (905) 546-2424 Ext. 5865
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-18-023, by Niagara Peninsula Conservation Authority (Owner)**, for a modification to the Open Space (P4) Zone, Conservation / Hazard Land - Rural (P7) Zone and Conservation / Hazard Land - Rural (P8) Zone to permit a Zip Line Adventure Park on a portion of the lands located at 5050 Harrison Road (Glanbrook) as shown on Appendix “A” to Report PED18204, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED18204, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amended By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
- (c) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan and complies with the Rural Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of this Zoning By-law Amendment is to add a Special Exception to the Open Space (P4) Zone, Conservation / Hazard Land - Rural (P7) Zone and

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Conservation / Hazard Land - Rural (P8) Zone to permit a Zip Line Adventure Park within a 14 hectare portion of the Binbrook Conservation Area at 5050 Harrison Road.

The proposed Zip Line Adventure Park will consist of 7 elevated / aerial courses which will wind through the existing trees, a 4,879m² supervised children's adventure park and a 150m² administrative building for ticketing and equipment rental.

The application has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017) and complies with the policies of the Rural Hamilton Official Plan (RHOP).

Alternatives for Consideration – See Page 18

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 prior to considering an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject site is located adjacent to the southern shore of Lake Niapenco on the west side of the Binbrook Conservation Area (BCA), a 345 ha. (852.51 ac.) property south of Binbrook Village, west of Harrison Road (see Location Map attached as Appendix "A" to Report PED18204). The BCA is owned and operated by the Niagara Peninsula Conservation Authority (NPCA) and is comprised of Lake Niapenco, woodlands and general open space. Currently, the NPCA utilizes portions of the BCA for passive and active recreational activities such as splash pads, fishing, boating, hiking trails, swimming and picnicking areas. Seven existing gravel and grass parking areas having an overall capacity of approximately 800 parking spaces are located on the east side of the BCA, with access from Harrison Road.

The applicant is proposing to modify Zoning By-law No. 05-200 to permit a Zip Line Adventure Park within a 14 ha. (34.59 ac.) portion of the Binbrook Conservation Area. The proposed Zip Line Adventure Park will consist of the following:

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- Adventure Park in the forest canopy consisting of seven elevated / aerial courses with platforms clamped to trees ranging from 1 m to 6 m in height;
- An existing trail to be utilized as the main path through the Adventure Park and small spur pathways that will lead to the entrance of each Zip Line course. All pathways will be delineated with a rope fence to keep guests within the pathway and not in the natural area;
- A $\pm 500\text{m}^2$ picnic / staging area is proposed on the west side of the Adventure Park and will be delineated with a roped fence;
- A $4,879\text{m}^2$ children's supervised adventure park (Treewalk Village) with eight treehouse structures, net bridges, slides, mini Zip Lines and tunnels and a $\pm 250\text{m}^2$ picnic / staging area located within the Treewalk Village; and,
- A 150m^2 administrative building for ticketing and equipment rental area located southwest of Parking Lot C which is located outside of the Core Area. Initially, an existing pavilion having a Gross Floor Area of $\pm 147\text{m}^2$ located on the north side of Parking Lot C will serve this function for the first two years of operation.

The proposed Adventure Park will be open during daylight hours between April 1 and October 31 and will not require lighting during dusk or dark. No washrooms are proposed and no additional parking will be required. The existing parking areas in the BCA will be utilized for the proposed development (see Site Plan attached as Appendix "C" to Report PED18204).

In order to implement the Treewalk Village and seven aerial Zip Line courses, 60 wooden platforms and eight treehouse structures will be fitted onto existing trees. The platforms for the aerial courses are fixed in place with compression and no bolts or other hardware penetrate the tree; instead, wooden beams are clamped against the tree and held up with tension. The Treewalk Village treehouses are anchored using a Garnier Limb. This system is engineered to specifically avoid damage to the tree and can be loosened as the tree grows. The Zip Line cables are wrapped around the trees with a wooden buffer called a "tree saver" and at no point do the Zip Line cables make contact with the tree.

Treetop Trekking has five locations throughout Ontario that have been operating in Conservation Authority controlled areas. The two locations nearest to this development are the Brampton location at the Heart Lake Conservation Authority, operated by the Toronto Region Conservation Authority, and the Stouffville location at Bruce's Mill Conservation Authority, operated by the Toronto Region Conservation Authority. Other locations include Barrie, Huntsville and Port Hope.

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Zoning By-law No. 05-200 Amendment:

The purpose of Zoning By-law Amendment Application ZAR-18-023 is to modify the existing Open Space (P4) Zone, Conservation / Hazard Land - Rural (P7) Zone and Conservation / Hazard Land - Rural (P8) Zone within the prescribed area as shown on Appendix "B" to Report PED18204 to permit the establishment of a Zip Line Adventure Park known as "Treetop Trekking".

Chronology:

- March 26, 2018: Application for a Zoning By-law Amendment ZAR-18-023 was received.
- April 11, 2018: Zoning By-law Amendment Application ZAR-18-023 was deemed complete.
- April 18, 2018: Notice of Complete Application and Preliminary Circulation was circulated to 42 property owners within 120m of the subject lands.
- April 25, 2018: Public Notice sign was installed on the subject lands.
- August 22, 2018: Public Notice sign was updated to include Public Meeting Date.
- August 31, 2018: Circulation of Notice of Public Meeting to 42 property owners within 120m of the subject lands.

Details of Submitted Application:

- Owner / Applicant:** Niagara Peninsula Conservation Authority
- Location:** 5050 Harrison Road, Glanbrook
- Agent:** GSP Group Inc. c/o Brynne O'Neil
- Property Description**
- | | |
|----------------------------|----------------------|
| <u>Total Lot Area:</u> | ± 345 ha (852.51 ac) |
| <u>Total Lot Frontage:</u> | ± 1,300 m |
- Servicing:** No Municipal Services

Existing Land Use and Zoning:

Subject Lands:

Existing Land Use

Conservation,
Recreation,
Recreation, Passive

Existing Zoning

Open Space (P4) Zone,
Conservation / Hazard Land -
Rural (P7) Zone,
Conservation / Hazard Land -
Rural (P8) Zone

Surrounding Lands:

North:

Agriculture
Single Detached Dwellings

Agriculture (A1) Zone,
Conservation / Hazard Land -
Rural (P7) Zone

South:

Agriculture
Single Detached
Dwellings

Agriculture (A1) Zone,
Conservation / Hazard Land -
Rural (P7) Zone

East:

Agriculture
Single Detached
Dwellings

Agriculture (A1) Zone

West:

Lake Niapenco
Binbrook Conservation Area

Conservation / Hazard Land -
Rural (P7) Zone,
Conservation / Hazard Land -
Rural (P8) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has

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established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. wise use and management of resources and environmental protection) are reviewed and discussed in the Urban Hamilton Official Plan (UHOP) analysis below.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, it is staff's opinion that the application is consistent with the policies of the Provincial Policy Statement.

Greenbelt Plan (2017)

The application has been reviewed against the policies of the Greenbelt Plan (2017). The Greenbelt Plan designates the subject property as "Natural Heritage System" within the "Protected Countryside" Schedule 4: Natural Heritage System. The following policies, amongst others, are applicable.

General Policies for the Protected Countryside

"4.1.2 Recreational Use Policies.

4. Small-scale structures for recreational uses (such as boardwalks, footbridges, fences, docks and picnic facilities) are permitted within *key natural heritage features* and *key hydrologic features*; however, the number of such structures and the *negative impacts* on these features should be minimized."

The proposed Zip Line Adventure Park will provide an active recreation and educational opportunity for visitors to the Binbrook Conservation Area. In order to implement the recreational use, small scale buildings and structures are proposed such as an administrative building, platforms, "treehouses" and picnic benches. No large scale structures are proposed and the impact on key natural heritage and key hydrologic features are mitigated. Based on the foregoing, the proposal conforms to the Greenbelt Plan.

Rural Hamilton Official Plan (RHOP)

The subject lands are designated "Protected Countryside" on Schedule A – Provincial Plans and "Open Space" on Schedule D – Rural Land Use Designations. The following policies, amongst others, are applicable.

Open Space

- “C.3.3.1 Lands designated as Open Space on Schedule D - Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. These uses include, but are not limited to parks for both active and passive recreational activities including resource-based recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, hazard lands and cemeteries. Ancillary commercial uses may be permitted as defined by section B.3.5.1, Parkland Policies and section C.2, Natural Heritage System policies of this Plan.
- C.3.3.5 Open Space lands which are identified as Core Areas of the Natural Heritage System shall comply with the policies of Section C.2.0, Natural Heritage System of this Plan.”

The Open Space designation permits a wide range of recreational uses and ancillary commercial uses to support a recreational operation. The proposed Zip Line Adventure Park and ancillary 150m² administrative office and rental building is permitted within the Open Space designation of the RHOP.

In the interim, a temporary 147 m² administrative building will be located in an existing pavilion north of Parking Lot C as shown on the Site Plan attached in Appendix “C” to Report PED18204. The temporary pavilion will be decommissioned in favour of a permanent administrative office approximately 2 years into the operation of the Zip Line Adventure Park and will be located southwest of Parking Lot C. Both administrative offices will be located outside of the Core Area and are permitted within the Open Space designation of the RHOP.

The subject lands are further designated “Core Area”, “Key Natural Heritage Feature” and “Key Hydrologic Feature” on Schedule B – Natural Heritage System.

Lands within the Natural Heritage System of the Greenbelt Plan

- “C.2.3.3 Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions.
- C.2.3.4 New development or site alteration shall not be permitted within provincially significant wetlands, significant coastal wetlands, or significant habitat of threatened or endangered species, except in accordance with

applicable provincial and federal regulations with respect to significant habitat of threatened or endangered species.

C.2.4.2 New development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including any associated vegetation protection zone.

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;
- b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape;
- 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,
- d) The disturbed area of a site shall not exceed 25 percent of the total developable area, except for golf courses, where permitted, for which the disturbed area shall not exceed 40 percent of the site. Impervious surfaces to be established in such disturbed areas shall not exceed 10 percent of the total developable area.”

The proposed Adventure Park area is located within a Core Area which contains Key Hydrologic Features, Key Natural Heritage Features, Environmentally Significant Areas, unevaluated wetlands and Species at Risk (SAR).

As a result of the above policies, an Environmental Impact Statement (EIS) was required to be prepared to the satisfaction of the City. The EIS, prepared by Natural Resource Solutions Inc., dated February 2018 was submitted on March 10, 2018. It was reviewed by the Ministry of Natural Resources and Forestry (MNR), the NPCA, City staff and the City’s Environmentally Significant Areas Impact Evaluation Group (ESAIEG). Based on their comments, the EIS was revised again on April 12, 2018. A

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minor addendum which updated the TPP and monitoring plan was submitted on June 22, 2018. As a result, the following mitigation measures were proposed:

- One proposed aerial course was rerouted in order to reduce the number of trees to be removed. As a result of the rerouting, the course was moved outside of the unevaluated wetland into the 15m Vegetation Protection Zone (VPZ) which was supported by staff.
- Staff required that the applicant prepare and implement a monitoring program which will be executed by the NPCA to measure habitat condition (invasive species, tree and understorey health / disturbance, litter) over the first five years of the Adventure Park operation.

Although the development area currently has moderate levels of disturbance due to recreational activities, the proposed development will increase the number of users in the area, and most notably, will increase the number of people in the forest canopy. This impact has been primarily mitigated through the aerial course design, which avoids the Provincially Significant Wetland, unevaluated wetlands and clusters of suitable bat cavity trees. A detailed analysis of the various natural features and the strategies for mitigating impacts to those features is as follows:

Key Hydrologic Features

The key hydrologic features within the area of development include a floodplain and significant groundwater recharge area that is under the jurisdiction of the NPCA. Within the proposed Adventure Park, there are also two unevaluated wetlands and Lake Niapenco.

The RHOP states that no development is to take place within a wetland except in accordance with the applicable provincial regulations. The applicant has designed the development to avoid any wetlands on the subject site. The aerial course has been sited to maintain a minimum 15m Vegetation Protection Zone (VPZ) buffer from any Hydrologic Features. This VPZ was chosen so as to ensure the integrity of the wetlands. The proposed Treewalk Village Adventure Park and administrative rental building is located further than 15m from any Hydrologic Features as recommended in the EIS. This 15m VPZ buffer is also supported by the NPCA.

Two portions of the proposed aerial courses are within the recommended 15m VPZ. No impact on the wetlands is perceived as the aerial course is suspended in the air and no human contact is permitted on the ground.

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Further, the development will utilize an existing trail that bisects the existing deciduous forest and clear away some understorey for small spur trails leading to the starting point of each aerial course. These trails will be roped off and supervised by staff which will ensure that guests are not wandering and impacting the wetlands, forest or the shore of Lake Niapenco. Therefore, as the Zip Lines are located high above the ground and the paths have controlled access, no impact to the key hydrologic features are anticipated.

Key Natural Heritage Features

Within the area of development, the key natural heritage features are Significant Woodland and Significant Wildlife Habitat.

Within the deciduous forest, the following components of the overall development are proposed:

- Seven Zip Line Aerial Courses;
- A Children's Adventure Park known as the Treewalk Village;
- Various roped off pathways connecting the existing trail to the entrance of the courses; and,
- Two internal roped off staging areas containing picnic tables, one on the west side of the development and one within the Treewalk Village.

The EIS states that no grading or placing of fill is required to implement the development, thereby keeping the deciduous forest within its naturalized state. Construction will be undertaken by hand with experienced climbing arborists while utilizing an existing gravel trail that runs through the proposed site of the Zip Line Adventure Park.

A Site Plan and Tree Protection / Restoration Plan was provided with the application that shows the proposed course layout and the impacted trees. Impacts to the deciduous forest include tree pruning, tree removal and removal of understorey to accommodate the roped off pathways. As a result of the aerial course layout and location of the Treewalk Village, a total of 100 trees will be removed of which 31 are already dead or in poor condition, and the remaining 69 are proposed to be removed due to conflicts with the courses. All removed trees will be compensated for by planting 100 native species and 48 shrubs to the west of the deciduous forest in an effort to expand the overall footprint of the forest (Appendix "F" to Report PED18204). The restoration plantings will be secured at the Site Plan Stage. It is noted that the

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restoration plantings are in addition to the yearly plantings that take place throughout the Binbrook Conservation Area undertaken by the NPCA.

The development will not impact the ecological function of the deciduous forest as tree removal is taking place sporadically throughout the 14 hectare development area and will not result in gaps in the canopy. The overall tree canopy will be maintained and the function of the forest as a habitat will not be endangered as a result of removing and pruning the trees. The Adventure Park is to be roped off and supervised by staff to stop guests from entering into the forest or wetlands outside of the aerial course and Treewalk Village area.

Species at Risk

Species at Risk are under the jurisdiction of the MNRF. A Letter of Advice from the MNRF dated January 16, 2017 was reviewed by Staff as part of the EIS. It was found that two Bat SAR were present in the area of development being the Little Brown Myotis and Eastern Small-footed Myotis. MNRF found that the development would not adversely impact the species subject to conditions as shown in Appendix "E" to Report PED18204.

The most significant of the conditions being imposed is that construction cannot take place between April 30 and September 30 so as to fall outside of breeding bird and bat season. No trees suitable for bat roosting are to be removed or impacted by Adventure Park infrastructure and a 5m buffer from suitable bat roosting trees and the aerial courses is maintained so as allow for suitable bat habitat to remain.

It was found by the MNRF that the development would not contravene the *Endangered Species Act 2007* subject to the conditions provided with the Letter of Advice and the conditions imposed which are to be adhered to.

Garbage receptacles that are located in the development are designed to be wildlife proof, and educational signage will be placed throughout the development to indicate to the public that certain bat species are located in the Adventure Park.

In addition, City staff require a monitoring plan be put in place for the first, third and fifth year of operation in order to mitigate potential impacts (i.e invasive species, litter, vegetation trampling) that may be experienced from the increased activity within the deciduous forest. This requirement will be implemented at Site Plan Control.

Wildlife

The EIS indicated that the unevaluated wetlands provide habitat for over-wintering turtles and amphibians utilizing the wetland for breeding purposes. As noted above, much of the development is located aerially. The function of the wetland habitat for reptiles and amphibians will not be negatively impacted by the proposed Adventure Park, and the proposal will not result in any impacts to the wetland water balance, the vegetation structure, and will not result in any movement barriers between the wetlands and surrounding habitats. Moreover, the Letter of Advice submitted by the MNRF indicates that construction shall only take place outside of April 30 to September 30 when wildlife is least active.

Based on the above, the impacts to the Core Area are mitigated and the proposal will not degrade the overall function of the Provincially Significant Woodland or Provincially Significant Wetland.

Buildings and Structures

“C.2.4.1 Permitted uses within Core Areas located within the Greenbelt Natural Heritage System as identified on Schedule B - Natural Heritage System or within key hydrologic features anywhere in the Protected Countryside of the Greenbelt Plan as shown on Schedules B-1 to B-8 - Detailed Natural Heritage Features or identified by an Environmental Impact Statement, including any associated vegetation protection zone shall include:

- a) Existing agricultural uses, according to the requirements in C.2.4.4;
- b) Forest, fish and wildlife management;
- c) Conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
- d) Existing uses, in accordance with Section F.1.12, Non-Conforming and Non Complying Uses of this Plan and according to the requirements in Sections C.2.4.4 and C.2.4.5;
- e) Passive recreation uses and small scale structures for recreation uses (such as boardwalks, footbridges, fences,

docks, and picnic facilities); however, the negative impacts on these features should be minimized; and,

- f) Infrastructure projects, in accordance with Section C.5.0, Infrastructure of this Plan.”

The RHOP also permits small scale structures for recreational uses within the Natural Heritage System of the Greenbelt Protected Countryside. The structures proposed include, picnic tables, platforms, zip-lines and “treehouse” structures that are approximately 6m². All of the proposed structures are small scale and therefore are permitted by the RHOP.

Both the temporary and permanent administrative buildings will be located outside of the Core Area as delineated on Schedule B – Natural Heritage System and as such, the Open Space Designation on Schedule D – Rural Land Use Designation applies. As discussed above, the administrative building is permitted within the Open Space Designation.

Based on the foregoing, the proposal complies with RHOP.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Open Space (P4) Zone, Conservation / Hazard Land - Rural (P7) Zone and Conservation / Hazard Land - Rural (P8) Zone.

The proposed development of a Zip Line Adventure Park requires modifications to the zoning to permit the use. The modification will restrict the use to a Zip Line Adventure Park so as to restrict other forms of recreation that do not comply with the RHOP on the subject lands. The site specific provisions also include a modification to the Open Space (P4) Zone to restrict the size of the proposed administrative and rental building to a maximum gross floor area of 150 m² and to permit the existing parking to remain. The site specific modifications are further discussed in the Analysis and Rationale for Recommendation Section of this Report.

RELEVANT CONSULTATION

The following internal Departments and external Agencies have no concerns or objections with respect to the proposed application:

- Recreation Division (Community and Emergency Services Department); and,
- Forestry and Horticulture Division (Public Works Department).

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The following Departments and Agencies have provided comments with respect to the proposed application:

Ministry of Natural Resources and Forestry (MNRF) have reviewed the proposal and provided a Letter of Advice dated January 16, 2017 with conditions for the development (refer to Appendix "E" to Report PED18204).

MNRF determined that the project would not adversely impact Little Brown Myotis or Eastern Small-footed Myotis and would not contravene the *Endangered Species Act 2007* subject to conditions which are outlined in Appendix "E" to Report PED18204. Additional comments were submitted indicating that the bat SAR were tolerant of human activity being that they also roost within attics, barns and other buildings.

In addition, the MNRF advised that the proposed Adventure Park will be located within an already disturbed forest already containing relatively frequent human activity, and as such, the proposal did not constitute a further negative impact on the SAR found in the forested area.

Transportation Management, Public Works Department have reviewed the application and requested that bike racks be provided on site. Staff note that this requirement will be addressed at the Site Plan Control Stage.

Environmental Services Division, Public Works Department have reviewed the application and note that the site is eligible for municipal waste collection, subject to City requirements. Comments indicate that curbside collection will be used for the subject lands, ensuring that the site can be serviced by municipal waste collection vehicles. Further review of eligibility will be conducted at the Site Plan Control stage.

Niagara Peninsula Conservation Authority (NPCA) have reviewed the EIS and EIS Addendums submitted with the Zoning By-law Amendment Application. The NPCA noted that an unevaluated wetland is located to the south of the proposed development to which a portion of the course is located near. In response to this, the applicant amended the proposed aerial course in order to avoid the wetland and provided an increased setback.

The NPCA also noted that a 30m VPZ buffer is required for development near a wetland. In this case a 15m VPZ buffer is proposed. In response to this, the applicant submitted an EIS addendum indicating that the nearest footpaths or structures containing platforms are 50m away from the wetland and that only aerial courses traverse the VPZ buffer. No impacts to the wetland are anticipated due to aerial courses crossing the VPZ.

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A portion of the development near the shore of Lake Niapenco is proposed to be located within a 100 year floodplain. The NPCA considers the use a Recreational Use and is therefore permitted to be located within a floodplain.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Strategy, Notice of Complete Application and Preliminary Circulation was sent to 42 property owners within 120 m of the subject property on April 18, 2018. A public notice sign was posted on the property on April 25, 2018 and updated with the Public Meeting Date on August 22, 2018. A notice was mailed out to 42 property owners as well as one additional interested resident on August 31, 2018 indicating the date of the public meeting.

As a result of the public notice, two letters of objection were submitted. Concerns from the property owners are related to the negative impact on the wildlife within the NPCA property. Additionally concerns were raised with regards to development on wetlands and if an EIS was submitted. The issues and concerns in the correspondence are summarized in the Analysis and Rationale for Recommendation Section (see Appendix "D" to Report PED18204).

Public Consultation Strategy

The applicant engaged in a Public Consultation Strategy that consisted of sending a mail-out to residents within 120m of the subject property with a pamphlet explaining the nature of the type of use and effect of the proposed Zoning By-law Amendment on the subject property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment Application has merit and can be supported for the following reasons:
 - (i) The Application is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan (2017);
 - (ii) The Application complies with the policies of the Rural Hamilton Official Plan; and,
 - (iii) The proposal allows for the continued viability of the Binbrook Conservation Area, without negatively impacting the Core Areas found on the subject lands.

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2. The proposed Zoning By-law Amendment will add a Special Exception to the Open Space (P4) Zone, Conservation / Hazard Land - Rural (P7) Zone and Conservation / Hazard Land - Rural (P8) Zone within a portion of the BCA as shown on Appendix "B" to Report PED18204 to permit the development of a Zip Line Adventure Park.

Modification for Use

The proposed Zip Line Adventure Park is considered a Commercial Recreation use as per the definition in Zoning By-law No. 05-200. However, Commercial Recreation also includes such uses as fitness clubs, golf courses and bowling alleys, etc. A modification is required to restrict the use to Zip Line Adventure Park so as to exclude other Commercial Recreation uses from being established that do not comply with the RHOP in the future.

The location of the aerial courses and Treewalk Village and Administrative building are consistent with and support the recommendations in the EIS that was submitted and there will be no negative impact to the Core Area.

Therefore, staff are supportive of the modification.

Gross Floor Area for Administrative Use

The only structure that is part of the proposal that requires a building permit is the administrative and equipment rental building. The building will be a maximum of 150m² in gross floor area and will be located outside of the Core Area, southwest of Parking Lot C. A modification has been added in order to restrict the size and location of the administrative building within the Open Space (P4) Zone to a maximum Gross Floor Area of 150m² as shown on the concept plan submitted with the application (Appendix "C" to Report PED18204). Locating the administrative building in the manicured Open Space (P4) Zone will not impact any key natural or hydrologic features and will act as a staging area for guests before entering the aerial park.

Therefore, staff are supportive of the modification.

Parking

The By-law will also include a modification to permit the existing parking areas on the site to remain. This modification will ensure that the parking areas that have been in existence for some time will not be subject to further requirements such as asphalt paving, minimum parking space size and required landscape strips amongst other requirements. No changes are proposed to the existing parking areas and

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staff are satisfied that they are adequate to accommodate the additional use. Any future changes proposed to the parking areas on site will be required to conform to the Zoning By-law.

Therefore, staff are supportive of the modification.

3. As a result of the circulation, two letters were received in opposition to the proposal (see Appendix "D" to Report PED18204). The overall concerns are summarized below:

Impacts to Wildlife and Species at Risk (SAR)

Concerns were raised with regards to the negative impact on Wildlife and SAR. As part of the proposal, a letter of advice from MNRF was submitted attached to the EIS which prescribed the following:

- Tree removal is only to take place outside of the bat season, April 30 to September 30; and construction is to take place only by hand;
- Construction of the aerial park will take place outside of May 1 to August 1 and only in the daylight hours to avoid peak season for bats;
- Suitable trees for bat roosting shall be identified and avoided for removal or incorporation into the Zip Line Adventure Park; and,
- If SAR are observed during construction, construction is to stop and the MNRF is to be contacted.

Staff are in agreement with the recommendations provided by the MNRF and are satisfied that no negative impacts will occur. Moreover, the recommendations also indirectly support other wildlife in the area as construction and tree removal is taking place outside of typical mating and migratory seasons for wildlife other than SAR.

Impact on Wetlands

Two letters were submitted expressing concerns in relation to developing an Adventure Park in a Conservation Area with Natural Features including wetlands. Though the subject lands do contain wetlands, including Lake Niapenco and unevaluated wetlands, no development is proposed within those wetlands. The only encroachment into the recommended 15m VPZ buffer is aerially along the various Zip Lines in between platforms. No human contact is permitted on the ground and the Zip Lines are entirely suspended in the air. Only Treetop Trekking

staff are permitted below the aerial wires but only for the purposes of an emergency or maintenance and only by foot. Both the administrative building and Treewalk Village maintain greater than a 15m setback from any wetland and the nearest spur pathways are 50m away from the wetlands.

One of the letter writers inquired about whether an EIS was submitted with the application and whether the MNRF was contacted by the applicant. As noted above, the EIS was reviewed by both internal staff, NPCA, ESAIEG and MNRF and has been informed through the Letter of Advice from MNRF (Appendix "E" to Report PED18204).

4. In order to implement the proposal, a Site Plan Control Application is required. The purpose of the Site Plan Control Application will be to ensure that the proposal is implemented in accordance with the recommendations contained in the EIS and conditions will be imposed so as to ensure that the recommendations contained in the EIS and Tree Protection and Restoration Plan are carried out to the satisfaction of the City of Hamilton, NPCA and MNRF.

ALTERNATIVES FOR CONSIDERATION

Should the Zoning By-law Amendment not be adopted by Council, the applicant will not be permitted to establish the Zip Line Adventure Park and the subject lands will continue to be used in accordance with the regulations of the Conservation / Hazard Land - Rural (P7) Zone, Conservation / Hazard Land - Rural (P8) Zone and Open Space (P4) Zone.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" - Location Map
- Appendix "B" - Zoning By-law Amendment
- Appendix "C" - Site Plan
- Appendix "D" - Public Comments
- Appendix "E" - MNRF Letter of Advice
- Appendix "F" - Tree Restoration Plan

RF:jp