

**AN/B-20:30 (822 Book Rd. W., Ancaster)**

## Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash

payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

8. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
9. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
10. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
11. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres.
12. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **822 Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **828 Book Road West, Hamilton (Ancaster)**.

**AN/B-20:30 (822 Book Rd. W., Ancaster)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Rural**

The purpose of these applications are to permit the conveyance of parcels of land containing existing dwellings known as 822 Book Rd. W, 914 Book Rd. W. and 1276 Shaver Rd. Ancaster and to retain lands for use as a golf course.

- 822 Book Rd. W – existing house (.45 ha)
- 914 Book Rd. W – existing house (.3 ha)
- 1276 Shaver Rd – existing house (.4 ha)

**Provincial Policy Statement and Greenbelt Plan**

The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2020).

**Residential Development**

- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
  - b) resource-based recreational uses (including recreation dwellings);
  - c) residential development, including the lot creation, that is locally appropriate;
  - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
  - e) home occupations and home industries;
  - f) cemeteries; and,
  - g) other rural land uses.”

The proposed use is not consistent with Policy 1.1.4.2 which focuses of growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some residential development, including lot creation, that is locally appropriate. It is the intent of the PPS

to allow municipalities to determine the extent of residential development in the rural area.

The lands are designated “Protected Countryside” in the Greenbelt Plan where lot creation for residential purposes is discouraged.

### **Rural Hamilton Official Plan**

The Rural Hamilton Official Plan designates the property as “Open Space” in Schedule D - Rural Land Use Designations. The following policies, amongst other apply:

#### **Residential Development – Severance Policies**

The following lot creation policies, amongst others apply to the proposed development:

- “F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:
- “3.5.3.6 New *development* shall conform to Section C.2, Natural Heritage System policies in Volume 1 of this Plan.
- “3.5.5.6 The division of land by consent may be considered when it is clear that a Plan of Subdivision is not necessary. When the severance of land by consent is deemed appropriate, regard shall be had to the other policies of this Rural Settlement Area Plan and Volume 1 of this Plan.
- C.5.11 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: (OPA 23)
- 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).”
  - a) Severances that create a new lot for the following purposes shall be prohibited:

- i) Residential uses except in accordance with:
  - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
  - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.”

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

### Land Use Designation

The subject lands are currently designated “Open Space” on Schedule “D” – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). The following policies, amongst others, apply to the proposed development:

- “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 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.3.3.2      Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

- a) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and,

- b) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City."

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan. Furthermore, the RHOP does not allow severances for residential dwelling lots unless they are related to a farming operation.

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

The lands are zoned Open Space (P4) Zone and Conservation/Hazard Land Rural (P6) Zone in the southern portion. The portion of the lands to be conveyed that contain the existing residential dwellings are zoned Conservation/Hazard Land Rural (P4) Zone. The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards.

Residential uses are not permitted in the P4 Zone. As such, the use of a single family dwelling will no longer be permitted upon severance of the lands. A rezoning application will be required.

#### **Inadvertent merging on title of the lands**

The applicant has advised of the following background information:

The subject lands which contain the three dwellings were acquired by Knollwood Golf Ltd over time: 822 Book Road in 1982; 914 Book Road in 1987, and 1276 Shaver Road in 1994. Prior to the development of the golf course in 1991, the three parcels continued to be utilized for agricultural purposes. The applicant's solicitor further advises that the three parcels were inadvertently merged on title with the Golf course lands and it was an error made by the lawyer. The purpose of these applications is to rectify the merging on title by separating the residential uses from the golf course use by creating three new residential lots. Staff understand and acknowledge that the provincial plans and the Rural Hamilton Official Plan do not contain any policies to undo the merging of the

lands, however in principle staff support the creation of the new lots in order to rectify what was, in this case, a mistake.

### Source Water Protection

Based on comments by Source Water Protection, the area in question is characterized by tight clay soils which are thick and continuous, as such the applicant should demonstrate that septic system pollution will not impact the neighbouring wells. As a result, Source Water Protection staff require that the applicant can successfully demonstrate "system isolation" through a detailed Hydrogeological Study which should be completed to the satisfaction of the Director, Hamilton Water. As such, Planning staff recommend that the application be tabled until such time as the applicant revises the proposal in order to meet the City's sustainable servicing policies.

### Recommendation:

Staff are supportive of the application in principle, however, staff recommend that the application be tabled until such time as the applicant submits a hydrogeological study which illustrates that the proposed severances will meet the City's sustainable servicing policies and a rezoning application to rezone the lands to permit residential purposes. In conclusion, Staff recommends that these applications be tabled until the required studies are submitted and reviewed.

### CONDITIONS: (If Approved)

1. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
2. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.

### Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The portion of the lands to be severed is zoned "P4". The "P4" zone does not permit residential uses. As such the use of a single detached dwelling is no longer permitted upon severance.
3. The portion of the lands to be retained is zoned "P4" and "P6". Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of the applicable zone. Please note that the use of a golf course is not permitted in the "P6" zone.

4. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
6. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
7. Please note this application is to be heard in conjunction with Severance Applications AN/B-20:31 and AN/B-20:32.

#### **CONDITIONAL UPON:**

If the application is approved, we request the following condition(s):

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).

#### **Growth Management:**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **822 Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **828 Book Road West, Hamilton (Ancaster)**.



We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road.

**Source Water Protection:**

Hamilton Water has reviewed the well and septic technical memo from Landtek. Based on this memo and our desktop review, we can not support the proposed severance(s) at this time as it would not meet the sustainable servicing policies within Chapter C.5.1 of the Rural Hamilton Official Plan. While the RHOP states that no newly created lot shall be less than 1 acre, other considerations (such as local soils, impervious surfaces, etc) within Chapter C.5.1 often require this minimum lot size to be larger. Based on our desktop review of local clay soils and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, our minimum lot size requirement would be 1 hectare (2.54 acres). Clay soils can not dilute septic pollution efficiently, and as a result often requires larger lot areas to manage septic system pollution entirely within the property boundary.

The technical memo provided did not satisfy requirements within the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, as a Water Quality Impact Risk Assessment for each private sewage disposal system was not completed. It should be noted that while Landtek cites the water quality impact risk assessment as a City requirement, one was not completed within this memo. This assessment and associated calculations are a key component in arriving at the recommended minimum lot size for a single family dwelling. Undersized lots increase groundwater quality and health risks to nearby well owners.

If for any reason Committee decides to grant approval, the City would require a satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.

**Development Engineering:**

**Information:**

According to our GIS records, the subject section of Book Road West and Shaver Road are both classified as collector roads with a maximum road allowance right-of-way width of 36.0m by Schedule C of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Book Road West is  $\pm 20.3$ m. The current road allowance right-of-way width of the subject section of Shaver is  $\pm 28.0$ m.

According to our GIS records, there are no existing municipal services fronting the subject property and the proposed residential development is going to rely on a private well and septic systems on site. Therefore, the proponent shall submit Hydrogeological and Geotechnical Reports to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view.

**Recommendations:**

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
2. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

**Transportation Planning & Parking Division (Traffic):**

1. Transportation Planning will support the land severance, provided the following conditions are met:
  - a. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres.
  - b. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres.
  - c. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

**CORPORATE SERVICES:**

**Budgets, Taxation & Policy (outstanding taxes):**

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

**See attached for additional comments.**

**AN/B-20:31 (914 Book Rd. W., Ancaster)**

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source

Water Protection Section staff and the Manager of the Engineering Approvals Section.

8. A satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.
9. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
10. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **914 Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **920 Book Road West, Hamilton (Ancaster)**.

**AN/B-20:31 (914 Book Rd. W., Ancaster)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Rural**

The purpose of these applications are to permit the conveyance of parcels of land containing existing dwellings known as 822 Book Rd. W, 914 Book Rd. W. and 1276 Shaver Rd. Ancaster and to retain lands for use as a golf course.

- 822 Book Rd. W – existing house (.45 ha)
- 914 Book Rd. W – existing house (.3 ha)
- 1276 Shaver Rd – existing house (.4 ha)

**Provincial Policy Statement and Greenbelt Plan**

The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2020).

**Residential Development**

- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- h) the management or use of resources;
  - i) resource-based recreational uses (including recreation dwellings);
  - j) residential development, including the lot creation, that is locally appropriate;
  - k) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
  - l) home occupations and home industries;
  - m) cemeteries; and,
  - n) other rural land uses.”

The proposed use is not consistent with Policy 1.1.4.2 which focuses of growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some residential development, including lot creation, that is locally appropriate. It is the intent of the PPS

to allow municipalities to determine the extent of residential development in the rural area.

The lands are designated “Protected Countryside” in the Greenbelt Plan where lot creation for residential purposes is discouraged.

### **Rural Hamilton Official Plan**

The Rural Hamilton Official Plan designates the property as “Open Space” in Schedule D - Rural Land Use Designations. The following policies, amongst other apply:

#### **Residential Development – Severance Policies**

The following lot creation policies, amongst others apply to the proposed development:

- “F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:
- “3.5.3.6 New *development* shall conform to Section C.2, Natural Heritage System policies in Volume 1 of this Plan.
- “3.5.5.6 The division of land by consent may be considered when it is clear that a Plan of Subdivision is not necessary. When the severance of land by consent is deemed appropriate, regard shall be had to the other policies of this Rural Settlement Area Plan and Volume 1 of this Plan.
- C.5.11 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: (OPA 23)
- 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).”
  - b) Severances that create a new lot for the following purposes shall be prohibited:

- ii) Residential uses except in accordance with:
  - 3) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
  - 4) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.”

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

### Land Use Designation

The subject lands are currently designated “Open Space” on Schedule “D” – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). The following policies, amongst others, apply to the proposed development:

- “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 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.3.3.2      Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

- c) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and



- d) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City."

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan. Furthermore, the RHOP does not allow severances for residential dwelling lots unless they are related to a farming operation.

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

The lands are zoned Open Space (P4) Zone and Conservation/Hazard Land Rural (P6) Zone in the southern portion. The portion of the lands to be conveyed that contain the existing residential dwellings are zoned Conservation/Hazard Land Rural (P4) Zone. The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards.

Residential uses are not permitted in the P4 Zone. As such, the use of a single family dwelling will no longer be permitted upon severance of the lands. A rezoning application will be required.

#### **Inadvertent merging on title of the lands**

The applicant has advised of the following background information:

The subject lands which contain the three dwellings were acquired by Knollwood Golf Ltd over time: 822 Book Road in 1982; 914 Book Road in 1987, and 1276 Shaver Road in 1994. Prior to the development of the golf course in 1991, the three parcels continued to be utilized for agricultural purposes. The applicant's solicitor further advises that the three parcels were inadvertently merged on title with the Golf course lands and it was an error made by the lawyer. The purpose of these applications is to rectify the merging on title by separating the residential uses from the golf course use by creating three new residential lots. Staff understand and acknowledge that the provincial plans and the Rural Hamilton Official Plan do not contain any policies to undo the merging of the

lands, however in principle staff support the creation of the new lots in order to rectify what was, in this case, a mistake.

### Source Water Protection

Based on comments by Source Water Protection, the area in question is characterized by tight clay soils which are thick and continuous, as such the applicant should demonstrate that septic system pollution will not impact the neighbouring wells. As a result, Source Water Protection staff require that the applicant can successfully demonstrate "system isolation" through a detailed Hydrogeological Study which should be completed to the satisfaction of the Director, Hamilton Water. As such, Planning staff recommend that the application be tabled until such time as the applicant revises the proposal in order to meet the City's sustainable servicing policies.

### Recommendation:

Staff are supportive of the application in principle, however, staff recommend that the application be tabled until such time as the applicant submits a hydrogeological study which illustrates that the proposed severances will meet the City's sustainable servicing policies and a rezoning application to rezone the lands to permit residential purposes. In conclusion, Staff recommends that these applications be tabled until the required studies are submitted and reviewed.

### CONDITIONS: (If Approved)

1. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
2. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.

### Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The portion of the lands to be severed is zoned "P4". The "P4" zone does not permit residential uses. As such the use of a single detached dwelling is no longer permitted upon severance.
3. The portion of the lands to be retained is zoned "P4" and "P6". Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of the applicable zone. Please note that the use of a golf course is not permitted in the "P6" zone.

4. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
6. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
7. Please note this application is to be heard in conjunction with Severance Applications AN/B-20:30 and AN/B-20:32.

**CONDITIONAL UPON:**

If the application is approved, we request the following condition(s):

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).

**Growth Management:**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **914 Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **920 Book Road West, Hamilton (Ancaster)**.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

**Source Water Protection:**

Hamilton Water has reviewed the well and septic technical memo from Landtek. Based on this memo and our desktop review, we can not support the proposed severance(s) at this time as it would not meet the sustainable servicing policies within Chapter C.5.1 of the Rural Hamilton Official Plan. While the RHOP states that no newly created lot shall be less than 1 acre, other considerations (such as local soils, impervious surfaces, etc) within Chapter C.5.1 often require this minimum lot size to be larger. Based on our desktop review of local clay soils and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, our minimum lot size requirement would be 1 hectare (2.54 acres). Clay soils can not dilute septic pollution efficiently, and as a result often requires larger lot areas to manage septic system pollution entirely within the property boundary.

The technical memo provided did not satisfy requirements within the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, as a Water Quality Impact Risk Assessment for each private sewage disposal system was not completed. It should be noted that while Landtek cites the water quality impact risk assessment as a City requirement, one was not completed within this memo. This assessment and associated calculations are a key component in arriving at the recommended minimum lot size for a single family dwelling. Undersized lots increase groundwater quality and health risks to nearby well owners.

If for any reason Committee decides to grant approval, the City would require a satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.

**Development Engineering:**

According to our GIS records, the subject section of Book Road West is classified as a collector road with a maximum road allowance right-of-way width of 36.0m by Schedule C of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Book Road West is ±20.3m.

According to our GIS records, there are no existing municipal services fronting the subject property and the residential developments are to continue using the private well and septic systems on site. We have no clear understanding about the existing private services on the site or their condition. Therefore, the proponent shall submit an

assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed or a new water well if required all supported by the existing soil conditions.

**Recommendations:**

1. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

**Transportation Planning & Parking Division (Traffic):**

Transportation Planning will support the land severance, provided the following conditions are met: a. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

**CORPORATE SERVICES:**

**Budgets, Taxation & Policy (outstanding taxes):**

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

**See attached for additional comments.**

**AN/B-20:32 (1276 Shaver Rd., Ancaster)**

## Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwelling and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

8. A satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.
9. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
10. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1276 Shaver Road, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **1260 Shaver Road, Hamilton (Ancaster)**.

**AN/B-20:32 (1276 Shaver Rd., Ancaster)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Rural**

The purpose of these applications are to permit the conveyance of parcels of land containing existing dwellings known as 822 Book Rd. W, 914 Book Rd. W. and 1276 Shaver Rd. Ancaster and to retain lands for use as a golf course.

- 822 Book Rd. W – existing house (.45 ha)
- 914 Book Rd. W – existing house (.3 ha)
- 1276 Shaver Rd – existing house (.4 ha)

**Provincial Policy Statement and Greenbelt Plan**

The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2020).

**Residential Development**

- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- o) the management or use of resources;
  - p) resource-based recreational uses (including recreation dwellings);
  - q) residential development, including the lot creation, that is locally appropriate;
  - r) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
  - s) home occupations and home industries;
  - t) cemeteries; and,
  - u) other rural land uses.”

The proposed use is not consistent with Policy 1.1.4.2 which focuses of growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some residential development, including lot creation, that is locally appropriate. It is the intent of the PPS



to allow municipalities to determine the extent of residential development in the rural area.

The lands are designated “Protected Countryside” in the Greenbelt Plan where lot creation for residential purposes is discouraged.

### **Rural Hamilton Official Plan**

The Rural Hamilton Official Plan designates the property as “Open Space” in Schedule D - Rural Land Use Designations. The following policies, amongst other apply:

#### **Residential Development – Severance Policies**

The following lot creation policies, amongst others apply to the proposed development:

- “F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:
- “3.5.3.6 New *development* shall conform to Section C.2, Natural Heritage System policies in Volume 1 of this Plan.
- “3.5.5.6 The division of land by consent may be considered when it is clear that a Plan of Subdivision is not necessary. When the severance of land by consent is deemed appropriate, regard shall be had to the other policies of this Rural Settlement Area Plan and Volume 1 of this Plan.
- C.5.11 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: (OPA 23)
- 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).”
  - c) Severances that create a new lot for the following purposes shall be prohibited:

iii) Residential uses except in accordance with:

- 5) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
- 6) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.”

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

### Land Use Designation

The subject lands are currently designated “Open Space” on Schedule “D” – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). The following policies, amongst others, apply to the proposed development:

- “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 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.3.3.2      Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

- e) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and

- f) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City."

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan. Furthermore, the RHOP does not allow severances for residential dwelling lots unless they are related to a farming operation.

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

The lands are zoned Open Space (P4) Zone and Conservation/Hazard Land Rural (P6) Zone in the southern portion. The portion of the lands to be conveyed that contain the existing residential dwellings are zoned Conservation/Hazard Land Rural (P4) Zone. The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards.

Residential uses are not permitted in the P4 Zone. As such, the use of a single family dwelling will no longer be permitted upon severance of the lands. A rezoning application will be required.

#### **Inadvertent merging on title of the lands**

The applicant has advised of the following background information:

The subject lands which contain the three dwellings were acquired by Knollwood Golf Ltd over time: 822 Book Road in 1982; 914 Book Road in 1987, and 1276 Shaver Road in 1994. Prior to the development of the golf course in 1991, the three parcels continued to be utilized for agricultural purposes. The applicant's solicitor further advises that the three parcels were inadvertently merged on title with the Golf course lands and it was an error made by the lawyer. The purpose of these applications is to rectify the merging on title by separating the residential uses from the golf course use by creating three new residential lots. Staff understand and acknowledge that the provincial plans and the Rural Hamilton Official Plan do not contain any policies to undo the merging of the

lands, however in principle staff support the creation of the new lots in order to rectify what was, in this case, a mistake.

### Source Water Protection

Based on comments by Source Water Protection, the area in question is characterized by tight clay soils which are thick and continuous, as such the applicant should demonstrate that septic system pollution will not impact the neighbouring wells. As a result, Source Water Protection staff require that the applicant can successfully demonstrate "system isolation" through a detailed Hydrogeological Study which should be completed to the satisfaction of the Director, Hamilton Water. As such, Planning staff recommend that the application be tabled until such time as the applicant revises the proposal in order to meet the City's sustainable servicing policies.

### Recommendation:

Staff are supportive of the application in principle, however, staff recommend that the application be tabled until such time as the applicant submits a hydrogeological study which illustrates that the proposed severances will meet the City's sustainable servicing policies and a rezoning application to rezone the lands to permit residential purposes. In conclusion, Staff recommends that these applications be tabled until the required studies are submitted and reviewed.

### CONDITIONS: (If Approved)

1. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
2. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.

### Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The portion of the lands to be severed is zoned "P4". The "P4" zone does not permit residential uses. As such the use of a single detached dwelling is no longer permitted upon severance.
3. The portion of the lands to be retained is zoned "P4" and "P6". Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of the applicable zone. Please note that the use of a golf course is not permitted in the "P6" zone.

4. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
6. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
7. Please note this application is to be heard in conjunction with Severance Applications AN/B-20:30 and AN/B-20:31.

**CONDITIONAL UPON:**

If the application is approved, we request the following condition(s):

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).

**Growth Management:**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1276 Shaver Road, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **1260 Shaver Road, Hamilton (Ancaster)**.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

**Source Water Protection:**

Hamilton Water has reviewed the well and septic technical memo from Landtek. Based on this memo and our desktop review, we can not support the proposed severance(s) at this time as it would not meet the sustainable servicing policies within Chapter C.5.1 of the Rural Hamilton Official Plan. While the RHOP states that no newly created lot shall be less than 1 acre, other considerations (such as local soils, impervious surfaces, etc) within Chapter C.5.1 often require this minimum lot size to be larger. Based on our desktop review of local clay soils and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, our minimum lot size requirement would be 1 hectare (2.54 acres). Clay soils can not dilute septic pollution efficiently, and as a result often requires larger lot areas to manage septic system pollution entirely within the property boundary.

The technical memo provided did not satisfy requirements within the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, as a Water Quality Impact Risk Assessment for each private sewage disposal system was not completed. It should be noted that while Landtek cites the water quality impact risk assessment as a City requirement, one was not completed within this memo. This assessment and associated calculations are a key component in arriving at the recommended minimum lot size for a single family dwelling. Undersized lots increase groundwater quality and health risks to nearby well owners.

If for any reason Committee decides to grant approval, the City would require a satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.

**Development Engineering:**

According to our GIS records, the subject section of Shaver Road is classified as a collector road with a maximum road allowance right-of-way width of 36.0m by Schedule C of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Shaver is ±28.0m. Therefore, road allowance widening dedications will be required.

According to our GIS records, there are no existing municipal services fronting the subject property and the residential developments are to continue using the private well and septic systems on site. We have no clear understanding about the existing private

services on the site or their condition. Therefore, the proponent shall submit an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwelling and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions.

**Recommendations:**

That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwelling and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

**Transportation Planning & Parking Division (Traffic):**

Transportation Planning will support the land severance, provided the following conditions are met: a. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

**CORPORATE SERVICES:**

**Budgets, Taxation & Policy (outstanding taxes):**

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

**See attached for additional comments.**