



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: GL/B-20:61

SUBJECT PROPERTY: 5020 Tyneside Rd., (Glanbrook)

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICANT(S):

Sullivan Planning Services Inc. on behalf of the owner Thomsen-Jung Farms Ltd.

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel of land containing an existing dwelling and two agricultural barns and to retain a parcel of vacant land for agricultural purposes.

Severed lands:

15m[±] x 234m[±] and an area of 3.71ha[±]

Retained lands:

646m[±] x 1,000m[±] and an area of 63.29ha[±]

**This application will be heard in conjunction with
Minor Variance Application GL/A-20:199**

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 22nd , 2020

TIME: 1:35 p.m.

PLACE: Via video link or call in (see attached sheet for details) To be streamed at www.hamilton.ca/committeeofadjustment for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

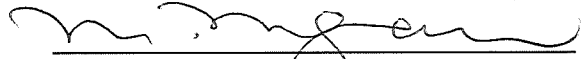
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 4144
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: October 6th, 2020



Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

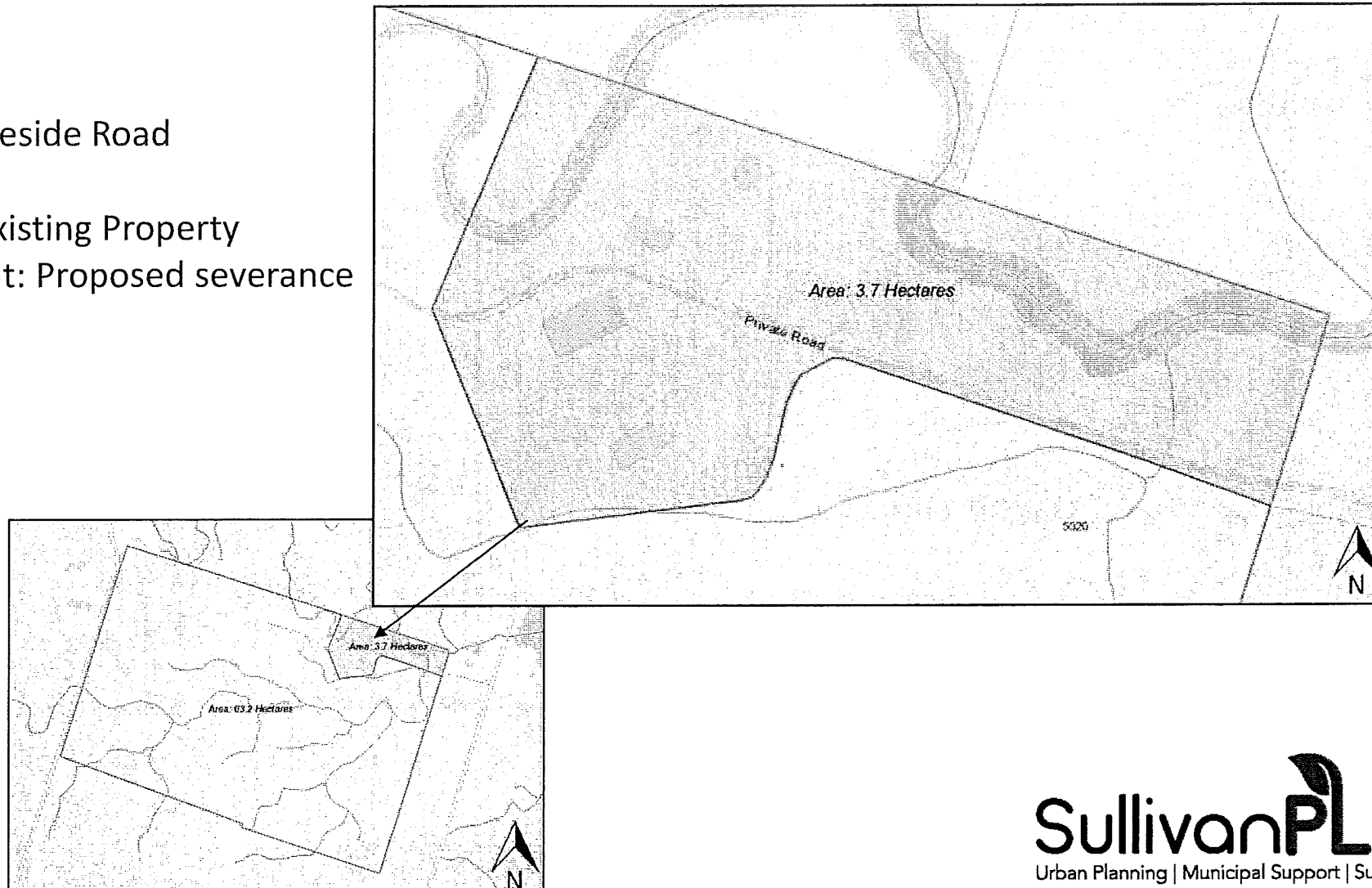
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

Concept for 5020 Tyneside Road Severance

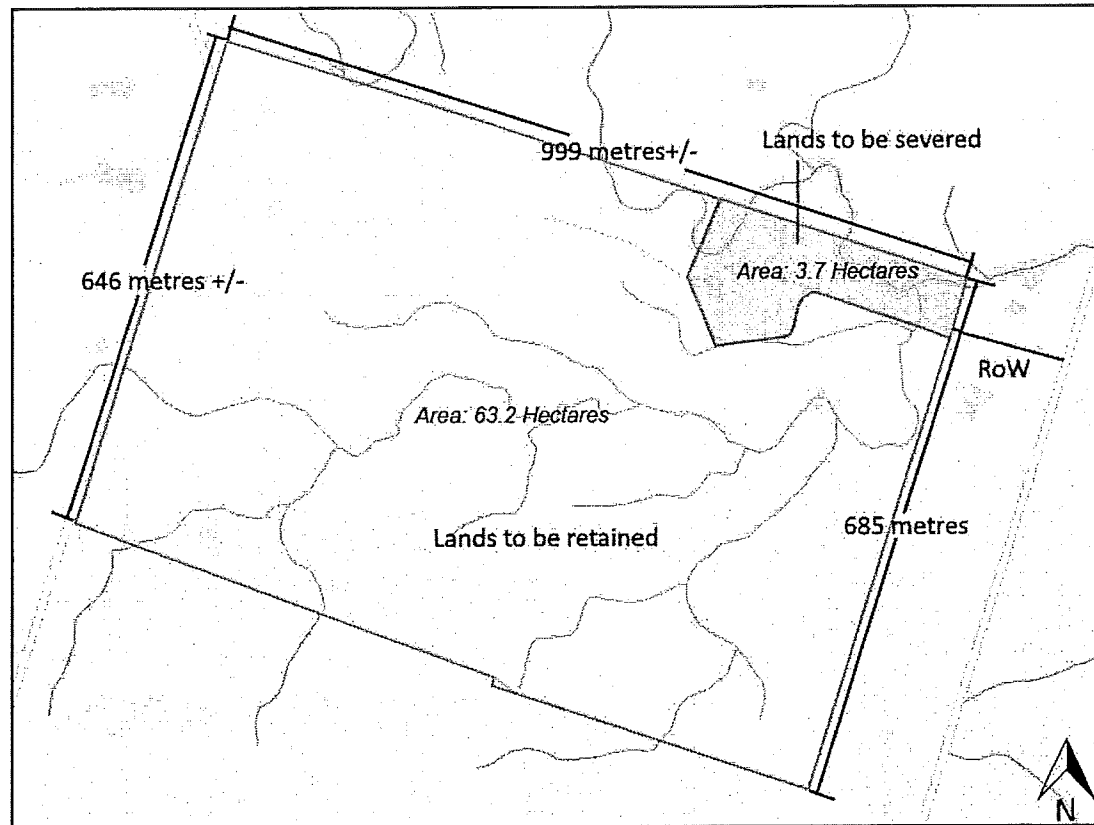
5020 Tyneside Road

Below: Existing Property

Inset right: Proposed severance



Concept for 5020 Tyneside Road Severance



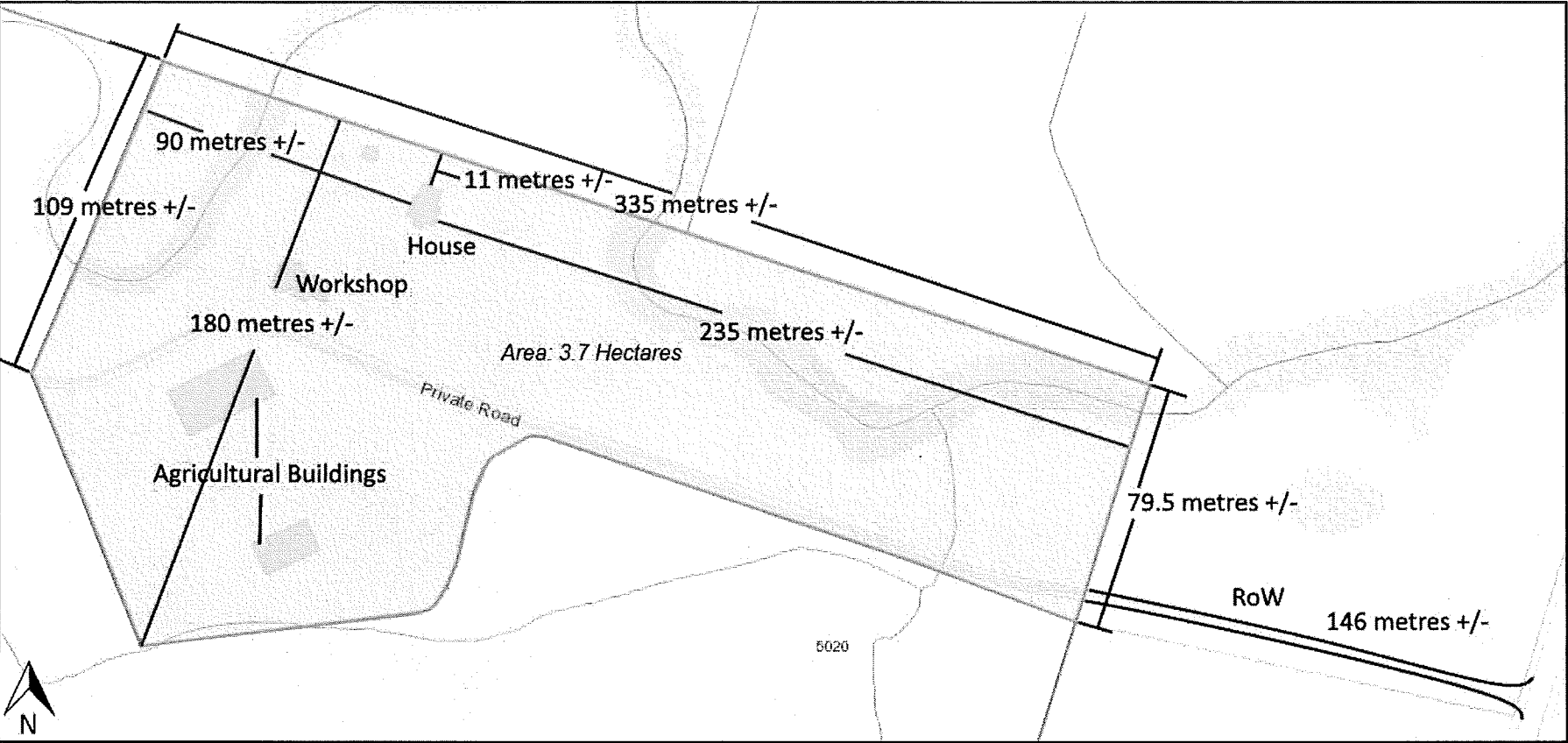
Approximate Existing Property Dimensions

Depth: 999m +/-

Frontage: 646m +/-

Rear lot length: 685 m +/-

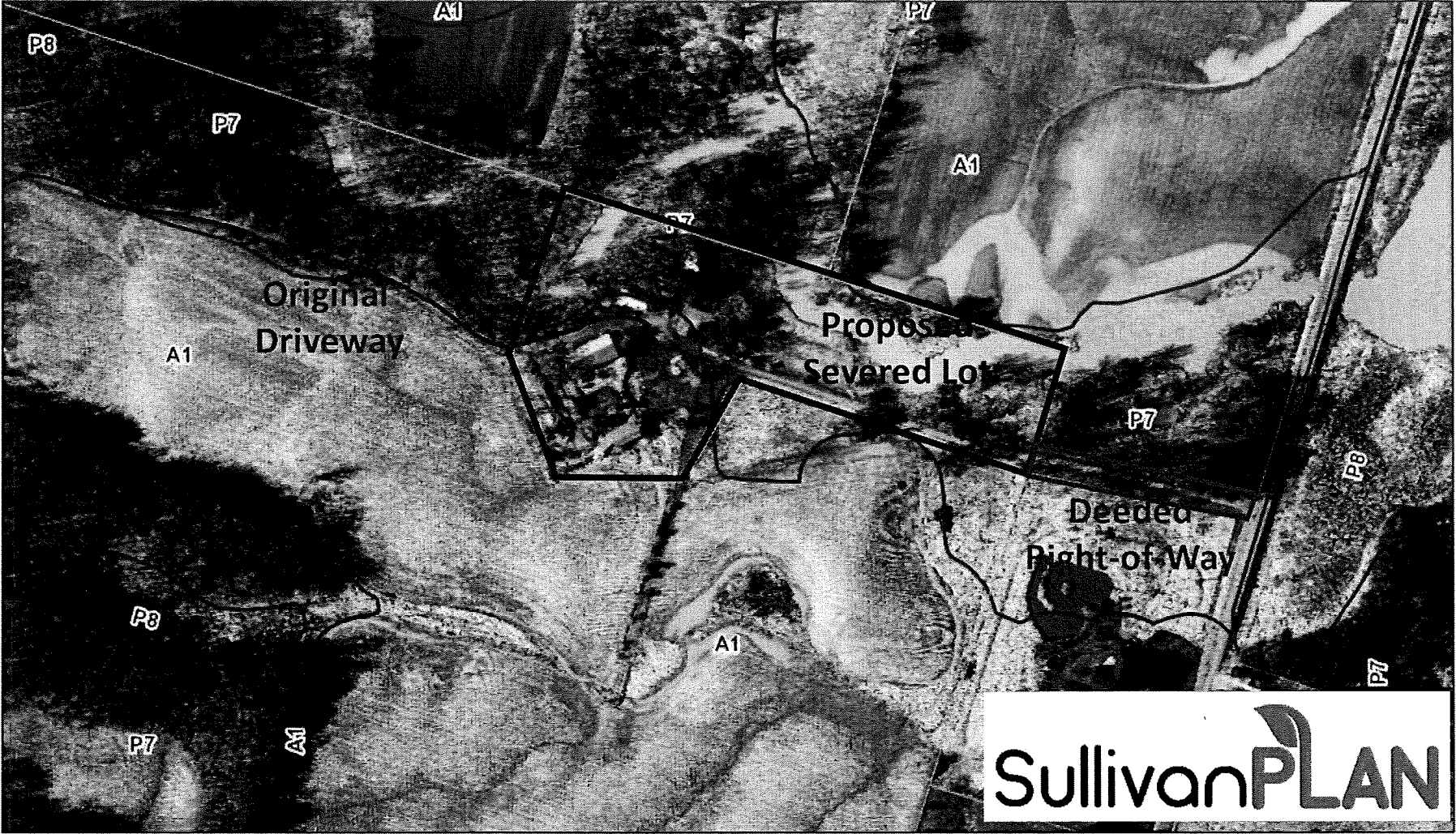
Concept for 5020 Tyneside Road Severance



Approximate Proposed
Severance Dimension:

- Front lot length: 79.5m +/-
- Front yard: 235m +/-
- Rear yard length: 109m +/-
- Widest: 180m +/-
- Side yard setback: 11 m +/-
- Rear yard setback: 90m +/-
- RoW: 146m +/-

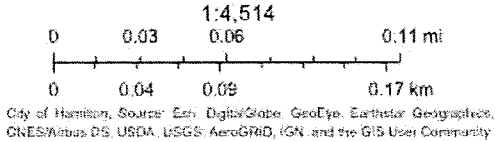
5020 Tyneside Road, Proposed Severance



2020-05-26, 8:01:33 p.m.

- | | |
|--------------------|--------------------------------------|
| Rural Grid | City Boundary |
| Ward Boundary | Property Parcels |
| Community Boundary | Zoning Boundaries |
| | Council Approved - Zoning Boundaries |

Proposed Lot
Area = 3.71ha (approx.)
Access = Deeded ROW



The City of Hamilton is not liable for any damages resulting from the use of, or this product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes.



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor, 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE *PLANNING ACT***

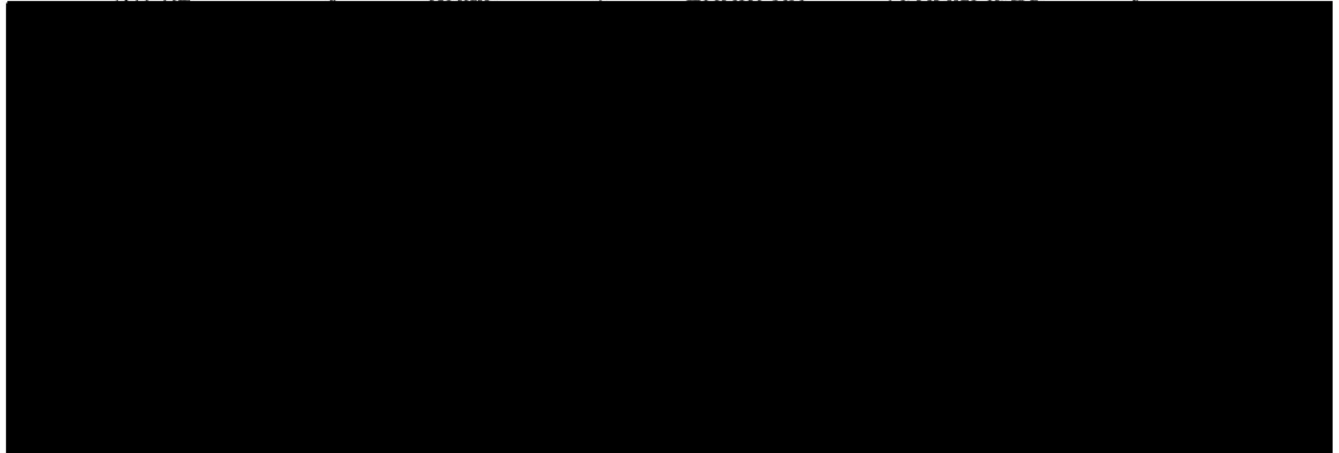
Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

1.1.1.2

NAME	ADDRESS	PHONE/FAX
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1.3 All correspondence should be sent to ☐ Owner ☐ Applicant ☒ Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot 11 & 12	Concession 8	Former Township Glanbrook
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 5020 Tyneside Road, Mount Hope, L0R 1W0			Assessment Roll N°. 251890271063200

2.2 Are there any easements or restrictive covenants affecting the subject land?

☒ Yes ☐ No

If YES, describe the easement or covenant and its effect:

Deeded right-of-way from Tyneside Road.

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

- ☐ creation of a new lot
☐ addition to a lot
☐ an easement

- Other: ☐ a charge
☐ a lease
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- ☒ creation of a new lot
☒ creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
☐ addition to a lot
- Other: ☐ a charge
☐ a lease
☐ a correction of title
☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

To be sold - Unknown

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
15 metres +/-	Approximately 234 metres +/-	Approximately 3.71 hectares +/-

Existing Use of Property to be severed:

- ☐ Residential
☒ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
☐ Commercial
☐ Vacant

Proposed Use of Property to be severed:

- ☒ Residential
☒ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
☐ Commercial
☐ Vacant

Building(s) or Structure(s):

Existing: Single detached dwelling; two (2) agricultural barns

Proposed: Single detached dwelling

Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year
- ☒ right of way
☐ other public road

Type of water supply proposed: (check appropriate box)

- ☐ publicly owned and operated piped water system
☒ privately owned and operated individual well
- ☐ lake or other water body
☐ other means (specify) _____

Type of sewage disposal proposed: (check appropriate box)

- ☐ publicly owned and operated sanitary sewage system
☒ privately owned and operated individual septic system
☐ other means (specify) _____

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
approximately 646 metres +/-	approximately 1,000 metres +/-	Approximately 63.29 hectares +/-

Existing Use of Property to be retained:

- ☐ Residential
☒ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
☐ Commercial
☐ Vacant

Proposed Use of Property to be retained:

- ☐ Residential ☐ Industrial ☐ Commercial
☒ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☐ Other (specify) _____

Building(s) or Structure(s):

Existing: None

Proposed: None

Type of access: (check appropriate box)

- ☐ provincial highway ☐ right of way
☐ municipal road, seasonally maintained ☐ other public road
☒ municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- ☐ publicly owned and operated piped water system ☐ lake or other water body
☒ privately owned and operated individual well ☐ other means (specify) _____

Type of sewage disposal proposed: (check appropriate box)

- ☐ publicly owned and operated sanitary sewage system
☒ privately owned and operated individual septic system
☐ other means (specify) _____

4.3 Other Services: (check if the service is available)

- ☒ electricity ☐ telephone ☐ school bussing ☒ garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Agricultural

Urban Hamilton Official Plan designation (if applicable): _____

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

Please see attached letter.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Agriculture (A1); Conservation/Hazard Lands (P7) & (P8)

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input checked="" type="checkbox"/>	
A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	
A flood plain	<input checked="" type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- ☐ Residential ☐ Industrial ☐ Commercial
☒ Agriculture ☐ Vacant ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☐ No ☒ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☐ No ☒ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☐ No ☒ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
☐ Yes ☐ No ☒ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☐ No ☒ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Purchase of sale agreement
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
☐ Yes ☒ No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- ☒ Yes ☐ No
 Please see attached letter.

b) Is this application consistent with the Provincial Policy Statement (PPS)?

☒ Yes ☐ No (Provide explanation)

Please see attached letter.

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

Please see attached letter.

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

☒ Yes ☐ No

Please see attached letter.

e) Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☐ Yes ☐ No

(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes ☐ No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?

☒ Yes ☐ No

If yes, does this application conform with the Greenbelt Plan?

☒ Yes ☐ No (Provide Explanation)

Please see attached letter.

8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
☐ Yes ☒ No ☐ Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

This is a new submission.

- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

- 8.4 How long has the applicant owned the subject land?

December 2019

- 8.5 Does the applicant own any other land in the City? ☒ Yes ☐ No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

- 9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? ☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application.

- 9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

☒ Yes ☐ No ☐ Unknown

If YES, and if known, specify file number and status of the application(s).

File number Pending

Status Pending

10 RURAL APPLICATIONS

- 10.1 Rural Hamilton Official Plan Designation(s)

- ☒ Agricultural ☐ Rural ☐ Specialty Crop
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities
☐ Rural Settlement Area (specify) _____

Settlement Area

Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

Agricultural

- 10.2 Type of Application (select type and complete appropriate sections)

- ☒ Agricultural Severance or Lot Addition
☐ Agricultural Related Severance or Lot Addition
☐ Rural Resource-based Commercial Severance or Lot Addition
☐ Rural Institutional Severance or Lot Addition

(Complete Section 10.3)

☐ Rural Settlement Area Severance or Lot Addition

☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

☒ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1) 15 metres +/-	Area (m ² or ha): (from in Section 4.1) Approximately 3.71 hectares +/-
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Existing Land Use: Agricultural Proposed Land Use: Agricultural

b) Lands to be Retained:

Frontage (m): (from Section 4.2) Approximately 646 metres +/-	Area (m ² or ha): (from Section 4.2) Approximately 63.29 hectares +/-
--	---

Existing Land Use: Agricultural Proposed Land Use: Agricultural

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

5085 Trinity Church Road Hamilton
(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1) 15 m +/-	Area (m2 or ha): (from Section 4.1) 3.71 hectares +/-
--	--

Front yard set back: _____

d) Surplus farm dwelling date of construction:

☒ Prior to December 16, 2004 ☐ After December 16, 2004

e) Condition of surplus farm dwelling:

☒ Habitable ☐ Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2) approx. 646 m	Area (m2 or ha): (from Section 4.2) approx. 63.29 ha
---	---

Existing Land Use: Agricultural/residential Proposed Land Use: Agricultural/residential

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Other properties owned: Roll #902710084000000 (0 Chippewa Rd W)

Roll #901710908000000 (0 Haldibrook Rd); Roll #140510554000000 (0 Norsworthy Rd)

Roll #901710616000000 (5085 Trinity Church Rd)

Planning justification, attached; Lawyer letter detailing Right-of-way, attached;

Ecologist report, attached

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

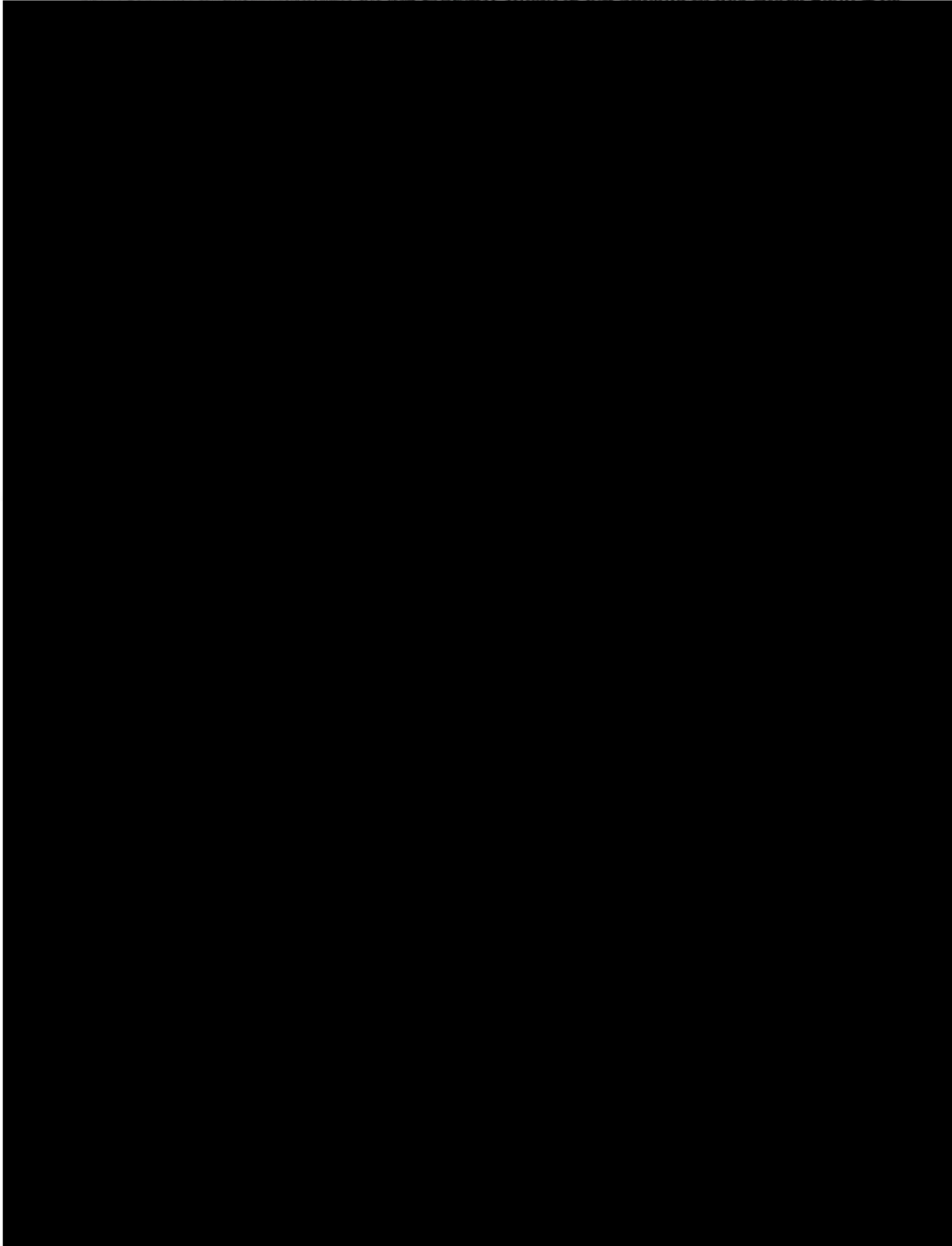
- the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - are located on the subject land and on land that is adjacent to it, and
 - in the applicant's opinion, may affect the application;
- the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

road or a right of way;

(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application, by



SIGN HERE

SIGN HERE

SIGN HERE

road or a right of way;

(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

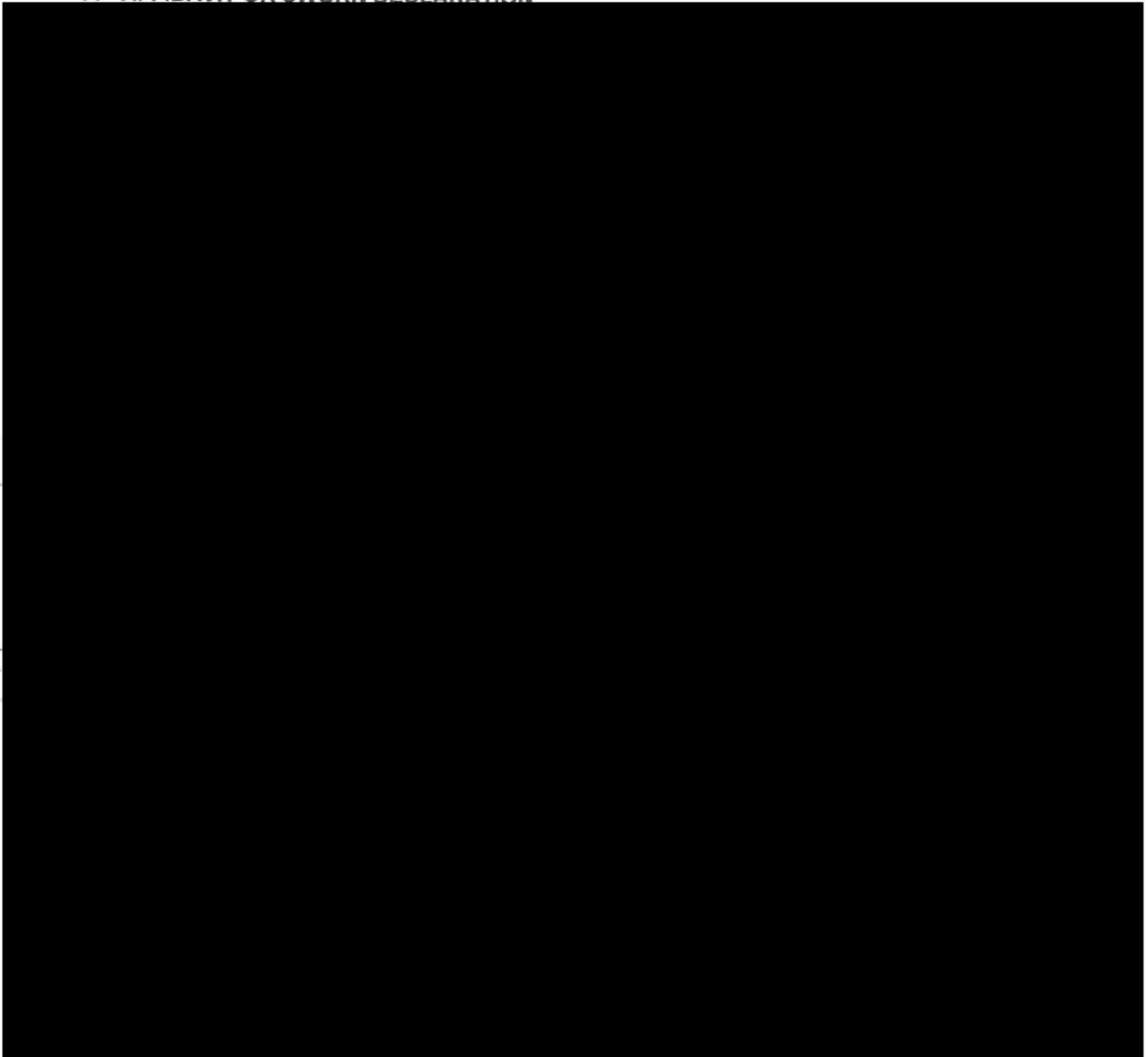
I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

September 14, 2020

Date



14 AFFIDAVIT OR SWORN DECLARATION



16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all Planning Act information and supporting documentation submitted to the City.

[REDACTED] owner, hereby agree and acknowledge

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying [REDACTED] party upon their

SIGN HERE

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext. 1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- ☐ Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- ☐ Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- ☐ The required fee. (A cheque or money order payable to the City of Hamilton)

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public supporting documentation submitted to the City.

[REDACTED] the Owner, hereby agree and acknowledge

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its [REDACTED] request.

September 8, 2020

Date

Signature of Owner

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

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APPLICANT'S CHECKLIST

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- ☐ Two (2) copies of the completed application form (Ensure you have a copy for yourself);
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- ☐ The required fee. (A cheque or money order payable to the City of Hamilton)

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this _____ day of _____, 20____.

BETWEEN:

Applicant's name(s)
hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS

Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20 ____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 20____.

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals
duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

Owner: c/s
Title:
I have authority to bind the corporation

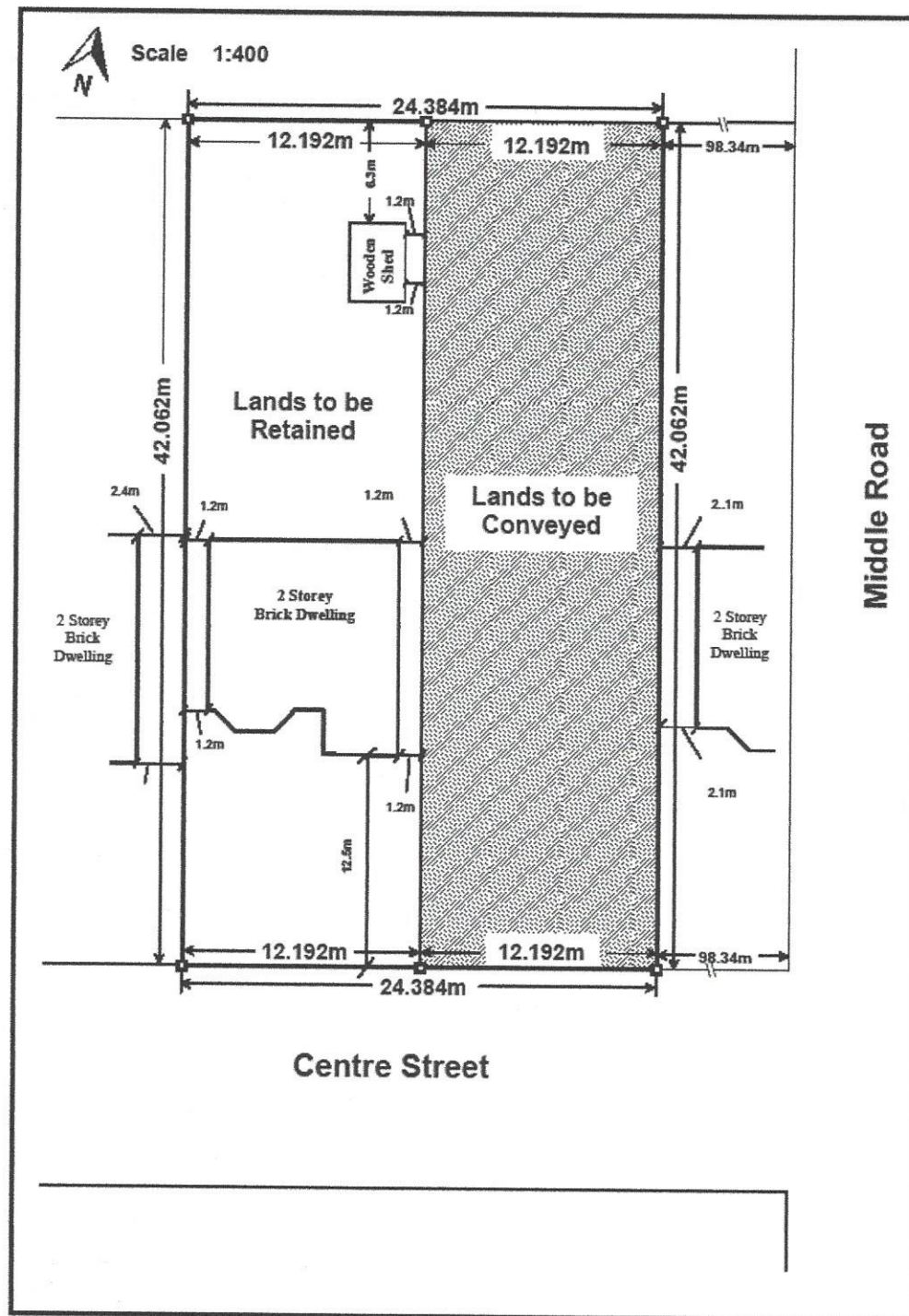
Assignee: c/s
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk

Sketch Sheet



DATA SHEET – MDS I - (REPLACES AGRICULTURAL CODE OF PRACTICE)

This is to be completed and attached to the application when applying for a new non-farm use within 1000 metres (3,281 feet) of an existing livestock facility. Complete one sheet for each set of farm buildings.

Reference _____ No. _____ Date _____ By _____

Township _____ Lot _____ Concession _____

Closest distance from the livestock facility to the new use. _____ metres

Closest distance from the manure storage to the new use. _____ metres

Tillable Hectares where livestock facility located _____

Type of Livestock	Existing Housing Capacity #	Manure System (Check one box)			
		Covered Tank	Open Solid Storage	Open Liquid Tank	Earthen Manure Storage
DAIRY					
BEEF					
SWINE					
POULTRY					
HORSES					
SHEEP					
MINK – Adults					
WHITE VEAL CALVES					
GOATS					
OTHER					

The above information was supplied by:

Signature: _____ Date: _____

Note: Identify particular animal type for each livestock type under DESCRIPTION from Factor Tables, Table 1 attached as Appendix "A"

Appendix "A" (MDS Factor Tables)
(Page 1 of 2)

**Table 1 Factor A (Outdoor Potential) and
Factor D (Manure or Material Form in Storage Facility)**

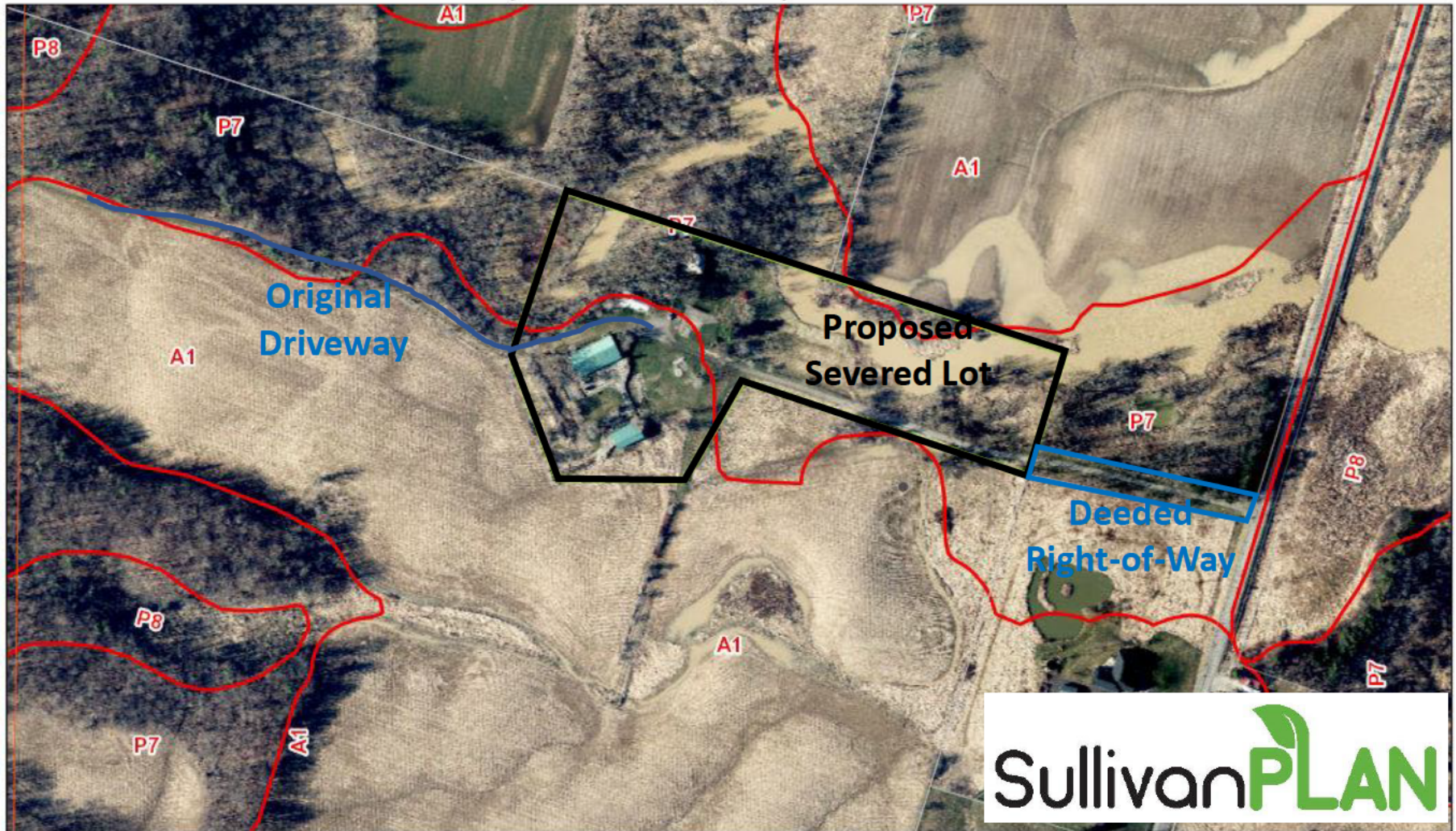
Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg - 27 kg)	20			
	Feeders (27 kg - 105 kg)	6			
Dairy Cattle ¹	Milking-age cows (dry or milking) - Large-framed 545 kg - 636 kg (e.g. Holsteins)	0.7	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	- Medium-framed 455 kg - 545 kg (e.g. Guernseys)	0.85			
	- Small-framed 364 kg - 455 kg (e.g. Jerseys)	1			
	Heifers (5 months to freshening) - Large-framed 182 kg - 545 kg (e.g. Holsteins)	2			
	- Medium-framed 148 kg - 455 kg (e.g. Guernseys)	2.4			
	- Small-framed 125 kg - 364 kg (e.g. Jerseys)	2.9			
	Calves (0 - 5 months) - Large-framed 45 kg - 182 kg (e.g. Holsteins)	6			
	- Medium-framed 39 kg - 148 kg (e.g. Guernseys)	7			
	- Small-framed 30 kg - 125 kg (e.g. Jerseys)	8.5			
	Beef Cattle	Cows, including calves to weaning (all breeds)			
Feeders (7 - 16 months)		3	0.8	Slatted floor systems, or barns with minimal bedding and yard scraped to a liquid storage	
Backgrounders (7 - 12.5 months)		3	0.8		
Shortkeepers (12.5 - 17.5 months)		2	0.8		
Veal	Milk-fed	6	1.1	Slatted floors or slatted stall system	Heavily bedded pack barns
	Grain-fed	6	0.8		
Goats	Does and bucks (for meat kids; includes unweaned offspring and replacements)	8	0.7	N/A	Heavily bedded pack barns
	Does and bucks (for dairy; includes unweaned offspring and replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes and rams (for meat lambs; includes unweaned offspring and replacements)	8	0.7	N/A	All sheep systems
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)	6			
	Lambs (dairy or feeder lambs)	20			
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/A	All horse systems
	Medium-framed, mature; 227 kg -680 kg (including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts and drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/females transferred out to layer barn)	300	0.7		
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	Cage or slatted floor systems
	Broilers on an 8 week cycle	350			
	Broilers on a 9 week cycle	300			
	Broilers on a 10 week cycle	250			
	Broilers on a 12 week cycle	200			
	Broilers on any other cycle, or if unknown, use 24.8 m ² /NU	24.8 m ²			
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown, use 24.8 m ² /NU	24.8 m ²			
Quail	Use 24.8 m ² /NU	24.8 m ²	0.7	N/A	Bedded floor systems
Partridge	Use 24.8 m ² /NU	24.8 m ²			
Pheasants	Use 24.8 m ² /NU	24.8 m ²			
Squab	Use 24.8 m ² /NU	24.8 m ²			
Rheas	Adults (includes replacements and market birds)	13			
Emus	Adults (includes replacements and market birds)	12			
Ostriches	Adults (includes replacements and market birds)	4			
Ducks	Peking	105			
Geese	Muscovy, use 24.8 m ² /NU	24.8 m ²			
	Use 24.8 m ² /NU	24.8 m ²	1.0	N/A	Cage or floor systems
Rabbits	Breeding females (including males, replacements & market animals)	40			
Chinchillas	Breeding females (including males, replacements & market animals)	320			
Fox	Breeding females (including males, replacements & market animals)	25			
Mink	Breeding females (including males, replacements & market animals)	90			

**Table 1 Factor A (Outdoor Potential) and
Factor D (Manure or Material Form in Storage Facility)...cont'd**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Bison	Adults (includes unweaned calves and replacements)	1.3	0.7	N/A	Bedded pack barns with outside access or outside confinement areas
	Feeders (170 kg - 477 kg)	4			
Llama	Adults (includes unweaned young and replacements)	5			
	Feeders (45 kg - 86 kg)	16			
Alpaca	Adults (includes unweaned young and replacements)	8			
	Feeders (23 kg - 48 kg)	26			
Wild Boar	Breeding age sows (includes boars, replacements and weaned piglets to 27 kg)	5	0.7	N/A	Bedded pack barns with outside access or outside confinement areas.
	Finishing boars (27 - 86 kg)	7			
Deer	White tailed deer - Adults > 24 mo (including unweaned offspring)	11			
	- Feeders	21			
	Red Deer - Adults > 24 MO (including unweaned offspring)	7			
	- Feeders	14			
	Elk - Adults > 24 MO (including unweaned offspring)	2			
	- Feeders	6			
	Elk/deer hybrids - Adults > 24 MO (including unweaned offspring)	4			
	- Feeders	10			
	Fallow deer - Adults > 24 MO (including unweaned offspring)	13			
	- Feeders	23			
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column.	453.6 kg (1000lbs)	0.8	All storages with liquid manure.	All storages with solid manure.
Manure imported to a lot not generating manure ²	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	1.2	All storages with liquid manure.	All storages with solid manure.
Storages for digestate from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	0.5	All storages with liquid manure.	All storages with solid manure.

1. On farms with 100 milk-age cows (dry and milking), there are usually about 20 replacement calves and 80 replacement heifers.

5020 Tyneside Road, Proposed Severance



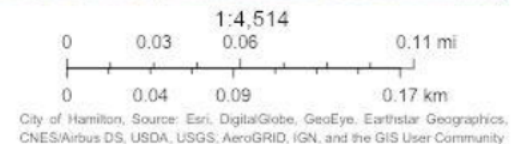
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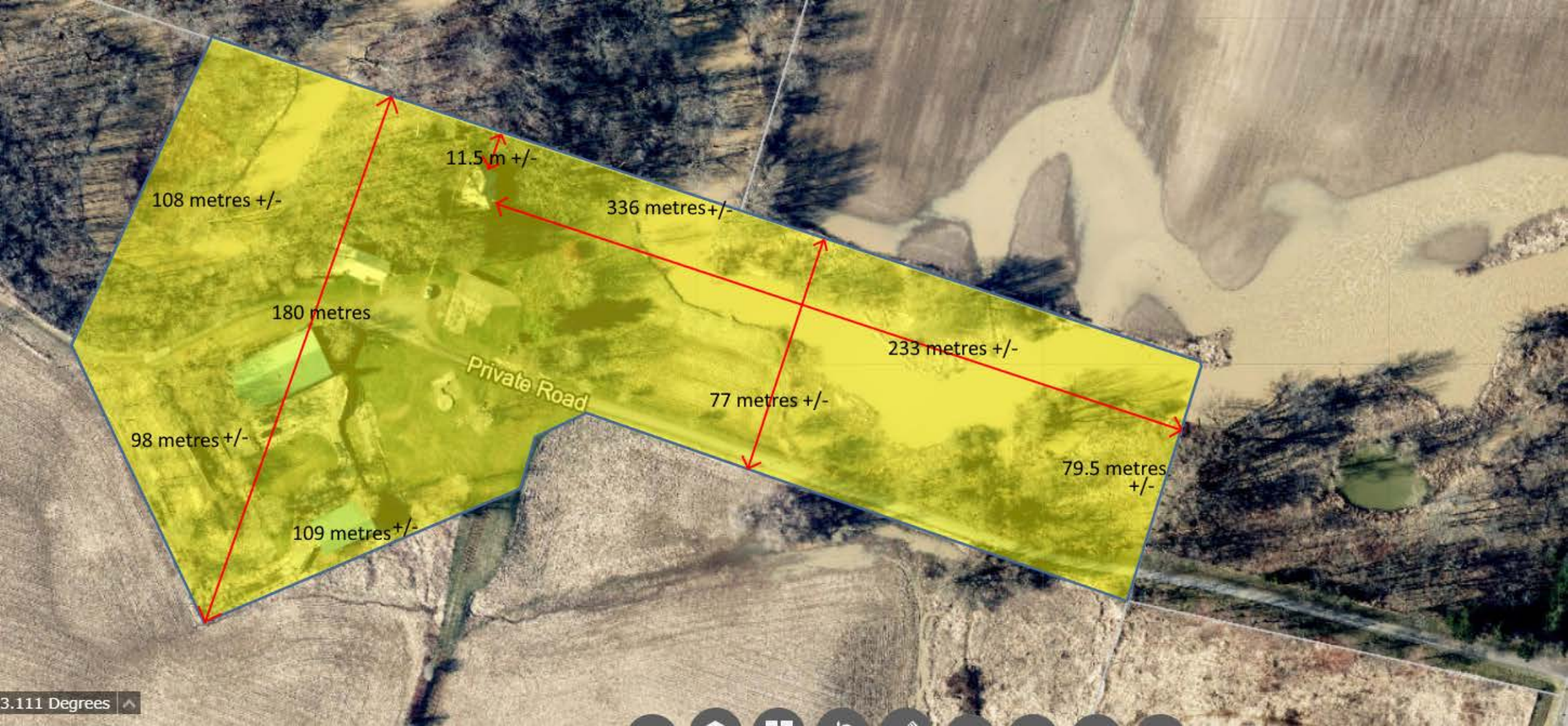
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|--------------------|--------------------------------------|
| Rural Grid | City Boundary |
| Ward Boundary | Property Parcels |
| Community Boundary | Zoning Boundaries |
| | Council Approved - Zoning Boundaries |

Proposed Lot

Area = 3.71ha (approx.)

Access = Deeded ROW





11.5 m +/-

336 metres +/-

108 metres +/-

180 metres

233 metres +/-

77 metres +/-

79.5 metres +/-

109 metres +/-

98 metres +/-

Private Road