



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 17, 2020
<b>SUBJECT/REPORT NO:</b>	Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11)
<b>WARD AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Mike Davis (905) 546-2424 Ext. 1024
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Rural Hamilton Official Plan Amendment Application RHOPA-19-015 submitted by IBI Group (c/o John Ariens) on behalf of Marshall Real Estate Holdings Ltd. and Hamilton-Wentworth District School Board (Owners)** to add a Site Specific Policy Area to permit a 300 metre extension of “lake-based” municipal water services from the Binbrook Urban Area to the subject lands and a connection to the sanitary line that exists along the west side of Regional Road 56 to service existing and proposed uses outside of the urban area on the lands located at 2121 and 2187 Regional Road 56, Glanbrook, as shown on Appendix “A” to Report PED20027, be **DENIED** on the following basis:

- (i) That the proposal does not conform with the Sewage and Water Infrastructure Policies of the Greenbelt Plan (2017); and,
- (ii) That the proposal does not comply with the general intent of the Rural Hamilton Official Plan with regard to the extension or expansion of lake-based services outside of urban areas.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

## **EXECUTIVE SUMMARY**

The applicants have applied to amend the Rural Hamilton Official Plan for a site-specific amendment (exception) to the policies of Section C.5.3 – Lake-Based Municipal Water and Wastewater Systems.

The application is to permit the extension of “lake-based” municipal water services and connections to municipal wastewater services for two rural properties know as 2121 and 2187 Regional Road 56, located approximately 575 metres and 300 metres north of the Binbrook urban area boundary respectively, as follows:

### Water

To allow for the construction of a new 250 mm water service line beginning from the pressure reducing water station located at 2265 Regional Road 56 and terminating at 2121 Regional Road 56 (approx. 300 m in length).

The proposed water main extension would be constructed along the east side of the Regional Road 56 right-of-way with individual lateral connections constructed to service 2121 and 2187 Regional Road 56.

### Wastewater

To allow for the construction of individual lateral connections to the existing 900 mm sanitary service line that exists along the west side of Regional Road 56 to service 2121 and 2187 Regional Road 56.

The proposed municipal servicing extension/connections would provide an alternative servicing option for:

- the existing Hamilton-Wentworth District School Board (HWDSB) Elementary School (Ecole Elementaire Michaelle Jean) at 2121 Regional Road 56; and,
- a proposed commercial development at 2187 Regional Road 56 that includes a motor vehicle service station (i.e. gas station, car wash & lube service shop), a drive-through restaurant and a 10-bay mechanic shop.

The proposed commercial development at 2187 Regional Road 56 received conditional Site Plan Control approval for application SPA-19-080 on September 27, 2019. The application was conditionally approved based on the premise that the lands would be developed on private services (see proposed site plan attached as Appendix “B” to Report PED20027).

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11) - Page 3 of 19**

---

The application cannot be supported as it does not conform to the Greenbelt Plan (2017) and does not comply with the general intent of the Rural Hamilton Official Plan with regard to the extension or expansion of lake-based services outside of urban areas.

**Alternatives for Consideration – See Page 18**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting prior to considering an application for an amendment to the Official Plan.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>		
Applicant(s)/Owner(s):	2121 Regional Road 56	Hamilton-Wentworth District School Board
	2187 Regional Road 56	Marshall Real Estate Holdings Ltd.
Agent:	IBI Group (c/o John Ariens)	
File Number:	RHOPA-19-015	
Type of Application:	Rural Hamilton Official Plan Amendment	
Proposal:	To add a site-specific policy to Volume 3, Chapter B – Rural Site Specific Areas to allow for the extension of “lake-based” municipal water services and a connection to municipal wastewater services for two rural properties located approximately 575 metres and 300 metres north of the Binbrook urban area boundary.	

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands  
Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027)  
(Ward 11) - Page 4 of 19**

<b>Property Details</b>		
Municipal Addresses:	2121 Regional Road 56 (Ecole Elementaire Michaelle Jean)	2187 Regional Road 56 (Proposed Commercial Redevelopment)
Lot Area:	3.09 hectares	4.39 hectares
Distance from Urban Area:	575 metres	300 metres
Distance from pressure reducing water station at 2265 Regional Road 56 (i.e. length of proposed municipal water main extension):	300 metres (approx.)	50-200 metres (approx.)
Servicing:	Private on-site well and septic system.	Private on-site well and wastewater holding tanks to service existing uses.  Site Plan Control application (SPA-19-080) proposed an on- site septic system for the planned redevelopment.
Existing Uses:	Since 1955, the site has been used as an elementary school (Ecole Elementaire Michaelle Jean). The original building is a one-storey structure (approximately 2,135 square metres of gross floor area) with 12 classrooms. Over time, six “portables” have been constructed on the site to accommodate increasing	This site currently contains an existing “bus depot” and commercial motor vehicle storage for Badder Bus Lines. A seasonal garden centre is also operated from this location. There are three existing structures on the site that support these activities. The eastern portion of the site includes a woodland and watercourse (creek) which is collectively identified as an

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11) - Page 5 of 19**

	enrolment. Information provided by the applicant indicates that the total enrolment in 2019 was 328 students.	environmentally significant area and included on provincial natural heritage mapping.
Proposed Uses:	No change.	Motor vehicle service station (i.e. gas station, car wash & lube service shop), a drive-through restaurant and a 10-bay mechanic shop with 63 parking spaces proposed (36 spaces required) (SPA-19-080) (see Appendix “B” to Report PED20027).
<b>Documents</b>		
Provincial Policy Statement (PPS):	The proposal is not consistent with the PPS.	
Greenbelt Plan:	The proposal does not conform to the Greenbelt Plan.	
Official Plan Existing:	<ul style="list-style-type: none"> <li>• Identified as “Rural” on Schedule E – Urban Structure.</li> <li>• Designated “Agricultural” on Schedule E-1 – Rural Land Use Designations.</li> <li>• Portions identified as “Core Areas” on Schedule B – Natural Heritage System.</li> </ul>	
Official Plan Proposed:	To add a site-specific policy to Volume 3, Chapter B – Rural Site Specific Areas to allow for the extension of “lake-based” municipal water services and a connection to municipal wastewater services for two rural properties located approximately 300 metres and 575 metres north of the Binbrook urban area boundary respectively.	
Zoning Existing:	2121 Regional Road 56	2187 Regional Road 56
	Agricultural (A1, 100) Zone <u>100</u> : An Educational Establishment is permitted in	Existing Rural Commercial (E1, 151) Zone and Conservation/Hazard Land – Rural (P6) Zone

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11) - Page 6 of 19**

	accordance with Section 12.1.3.1 b) through g) (items b) to g) relate to yard setbacks, lot coverage, outdoor storage and accessory buildings).	<u>151:</u> In addition to Section 12.6.1, on those lands zoned Existing Rural Commercial (E1) Zone, identified on Map 205 of Schedule “A” – Zoning Maps and described as part of 2187 Regional Road 56, a motor vehicle storage, sales and repair operation, Motor Vehicle Service Station and an office for a travel agency are also permitted.
Zoning Proposed:	No amendment proposed.	
<b>Processing Details</b>		
Received:	October 16, 2019	
Deemed Complete:	November 13, 2019	
Notice of Complete Application:	Notice sent to 12 property owners within 120 m of the subject property on November 21, 2019.	
Public Notice Sign:	Sign Posted: November 26, 2019 Sign Updated: October 21, 2020	
Notice of Public Meeting:	Notice sent to 12 property owners within 120 m of the subject property and three (3) additional persons on October 30, 2020.	
Public Consultation:	<p>The public consultation strategy prepared and submitted by the agent (i.e. IBI Group) relies on <i>Planning Act</i> requirements carried out by the City including installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the sites and the holding of a statutory public meeting before the City’s Planning Committee.</p> <p>The agent and applicants have indicated they will be present to answer questions at the statutory public meeting of the Planning Committee.</p>	

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11) - Page 7 of 19**

Public Comments:	None.
Processing Time:	398 days

**Site Plan Control Application (SPA-19-080) – 2187 Regional Road 56:**

A Site Plan Control Application for the proposed commercial development at 2187 Regional Road 56 was received on March 29, 2019. The plan includes a motor vehicle service station (i.e. gas station, car wash & lube service shop), a drive-through restaurant and a 10-bay mechanic shop with 63 parking spaces in total (see proposed site plan in Appendix “B” to Report PED20027). The application received Conditional Site Plan Control approval on September 27, 2019. One of the conditions of approval requires that the owner obtain approval from the City’s Director of Building Services or Ministry of the Environment and Climate Change (MOECC) (if over 10,000L/day) for all private sewage systems and approval from MOECC for water taking systems over 50,000L/day.

**Existing Land Use and Zoning**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>2121 Regional Road 56</u></b>	Michaëlle Jean Elementary School (approx. 274 students)	Agricultural (A1, 100) Zone
<b><u>2187 Regional Road 56:</u></b>	Commercial motor vehicle (bus) storage facility and seasonal garden centre	Existing Rural Commercial (E1, 151) Zone Conservation/Hazard Land – Rural (P6) Zone

**Surrounding Lands:**

<b>North</b>	Agricultural Land	Agricultural (A1) Zone and Conservation/Hazard Land – Rural (P6) Zone
<b>South</b>	Agricultural and Single Detached Dwellings	Agricultural (A1) Zone
<b>West</b>	Agricultural and Single Detached Dwellings	Agricultural (A1) Zone

**East**

Woodlands and  
Agricultural

Conservation/Hazard Land – Rural  
(P6) Zone and Agricultural (A1)  
Zone

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

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

The following policies, amongst others, apply to the application.

#### **Rural Lands in Municipalities**

“1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.”

Section 1.1.5 of the Provincial Policy Statement (PPS) provides policy direction for development in Rural Areas. Specifically relating to this application, Section 1.1.5.5 directs that development shall be appropriate for the *infrastructure* which is planned and available and avoid the need for the unjustified and/or uneconomical expansion of the *infrastructure*.

In this regard, the application is requesting an exception to the applicable Greenbelt Plan and Rural Hamilton Official Plan policies regarding the expansion of lake-based municipal water and wastewater services. The proposed exception is intended to allow for the construction of a new 250mm municipal water service line beginning from the pressure reducing water station located at 2265 Regional Road 56, extending northward along the frontage of 2187 Regional Road 56 and terminating at 2121 Regional Road 56 (approx. 300 metres in length). The application also involves construction of individual private lateral connections to the existing 900mm municipal sanitary line that exists along the west side of Regional Road 56.

It is staff’s opinion that the proposed servicing expansion is unjustified. The existing school located at 2121 Regional Road 56 has been in operation since 1955 with the provision of private on-site water and wastewater services. There are no known failures



or public health issues associated with the ground water supply nor are there any known physical constraints that are impacting the site's capacity to continue to provide for a suitable septic system. Similarly, there are no known failures or public health issues with the ground water supply nor are there any known physical constraints impacting the ability of 2187 Regional Road 56 to be serviced by way of private on-site services.

The creation of the proposed 250 mm municipal water service main extending northward from the pressure reducing water station located at 2265 Regional Road 56, spanning the frontage of 2187 Regional Road 56 and terminating at 2121 Regional Road 56 (approx. 300 metres in length) is an uneconomical option as it would serve only two sites in the rural area with no additional future development potential. Notwithstanding the requirement for the Applicant to fund the costs of initial construction, the City of Hamilton would be responsible for the on-going operational and maintenance costs. The full lifecycle costs of this approach have not been fully vetted and resolved with staff.

The proposed expansion of lake-based municipal services is not consistent with the intent of Section 1.1.5.5 of the PPS, 2020 as it involves an unjustified expansion of municipal water and wastewater services into Rural Lands where development can be sustained by rural service options (i.e. private on-site water and wastewater services).

### **Greenbelt Plan (2017)**

The *Greenbelt Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Greenbelt Plan (2017). The Greenbelt Plan designates the subject lands as "Protected Countryside".

The following policies, amongst others, are applicable to the application.

#### **4.2.2 Sewage and Water Infrastructure Policies**

In addition to the policies of section 4.2.1, for sewage and water infrastructure in the Protected Countryside the following policies shall apply:

1. Planning, design and construction of sewage and water *infrastructure* shall be carried out in accordance with the policies in subsection 3.2.6 of the Growth Plan.
2. The extension of *municipal* or *private communal sewage* or *water services* outside of a *settlement area* boundary shall only be permitted in the case of health issues or to service existing uses and the expansion thereof adjacent to the *settlement area*. Notwithstanding the above, where *municipal water services* exist outside of

*settlement areas, existing uses* within the service area boundary as defined by the environmental assessment may be connected to such a service.”

Firstly, the overall planning and design of sewage and water infrastructure is to be carried out in accordance with section 3.2.6 of A Place to Grow Plan (2019). Section 3.2.6 c) of the Growth Plan requires a comprehensive water and wastewater master plan be prepared to identify the preferred option for servicing growth and development, subject to policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 of the PPS, 2020. These policies outline a hierarchy of servicing options starting with full municipal servicing as the preferred solution for settlement areas to individual private on-site services as the preferred option for rural areas. The City of Hamilton has satisfied this policy through its Integrated Water and Wastewater Master Plan for the Lake-Based Systems. The subject sites are not identified for municipal services by way of this plan.

The Greenbelt Plan provides specific directives for the consideration of extensions and connections to municipal water and sewers outside of urban areas. Extensions of municipal water or sewers are only permitted in the case of health issues or to service existing uses and the expansion thereof on sites located adjacent to a settlement area.

With regard to the proposed extension of municipal water, the applicants have acknowledged that there are no health issues in relation to existing private water supply for the HWDSB school site or the commercial site. Existing systems and potable water supply meet all applicable public health standards.

In the context of this policy (Section 4.2.2.2), only the Ecole Elementaire Michaele Jean at 2121 Regional Road 56 would qualify as an existing use. The proposed commercial development at 2187 Regional Road 56 is not existing. Regardless of the “existing” status of the school, the PPS, which provides overall direction on matters of provincial interest in planning, defines *adjacent* as “contiguous”. Both of the subject sites are located more than 300 metres north of the northern extent of the Binbrook urban area boundary with a series of intervening parcels existing between the sites and the boundary and therefore would not be considered “adjacent”, as defined in the PPS.

Notwithstanding the clear provincial direction regarding municipal servicing extensions, the Greenbelt Plan does provide that where *municipal water services* exist outside of *settlement areas, existing uses* within the service area boundary as defined by the environmental assessment may be “connected” to such a service. In this case, there is an existing 400 mm diameter transmission main located along Regional Road 56. However, the subject sites are not within the service area boundary defined through an environmental assessment (i.e. the Integrated Water and Wastewater Master Plan for the Lake-Based Systems). These sites were not contemplated for local connections through the environmental assessment and the main itself was not physically designed

to accommodate local service connections. Transmission watermains are critical pieces of infrastructure for the delivery of water services to thousands of customers (6,400,000 litres per day capacity) and their structural integrity is reduced with service connections. Also, transmission watermains have varying hydraulic states (pressure variations) not suitable for direct service to customers. As such, connections to the existing municipal water line is not appropriate.

As the subject lands are not considered to be adjacent to a settlement area, nor has a health issue been identified to warrant an extension of municipal services, the proposal does not conform to the Greenbelt Plan (2017).

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

The subject property is identified as “Rural Area” on Schedule E – Urban Structure and designated “Agriculture” on Schedule D – Rural Land Use Designations of the RHOP.

The following policies, amongst others, are applicable to the application.

#### **Lake-Based Municipal Water and Wastewater Systems**

- “C.5.3           It is the objective of this Plan to prohibit the extension or expansion of all lake-based, municipal water and wastewater services outside the urban area boundary.
- C.5.3.1        The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services outside of urban area boundaries for properties within the City limits, except in response to public health emergencies. No extensions of the municipal lake-based water and wastewater systems shall be permitted into rural area lands detailed in this Plan unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population.
- C.5.3.2        The City may allow *existing* lots and existing uses that front on a rural/urban boundary road, to connect to existing municipal water and wastewater systems, provided all the following conditions are met:
- a)        the area shall remain outside the *urban area* and shall be designated Agriculture, Specialty Crop or Rural in the Rural Hamilton Official Plan; and,

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

C.5.3.3 Prior to the adoption of this Plan, the City has installed, approved specific Official Plan policies, entered into legal agreements and approved engineering plans in accordance with its former Official Plan policies to extend lake-based municipal water and wastewater services to certain properties in the rural area. This Plan recognizes and permits these existing and approved public works to be maintained or completed in accordance with previous policies, agreements and plans approved on or before December 16, 2004. No future lake-based municipal service extensions or expansions, agreements, plans or amendments to same shall be permitted by this Plan.”

The Official Plan must be consistent with the Provincial Policy Statement and conform to the Greenbelt Plan. However, the municipality can be more restrictive than the provincial directions. The RHOP servicing policies are designed to articulate provincial policy and plan requirements in terms, and with a level of detail, that make sense in Hamilton’s context.

The application presents two distinct requests for consideration:

- 1) To “connect” existing and future land uses to an existing 900mm sanitary trunk located along the frontage of these properties on Regional Road 56; and,
- 2) To “extend” municipal water service by way of a new domestic watermain to be constructed parallel to the existing transmission watermain on the east side of Regional Road 56 to service existing and future land uses.

With respect to the proposed extension of municipal water service, the RHOP only allows for lake-based municipal servicing extensions in the case of public health emergencies declared by the Medical Officer of Health. The applicants acknowledge that the subject application is not in response to a public health issue or emergency.

With respect to the proposed connections to municipal wastewater services, the RHOP only allows for such connections for existing lots and existing uses that front on a rural/urban boundary road where there is sufficient capacity available to service the development. In the context of this policy (Section C.5.3.2), the term existing means any use, lot, building or structure legally established or created prior to the day of final approval and coming into effect of the relevant sections of this Official Plan. In the case of this application, only the Ecole Elementaire Michaelle Jean at 2121 Regional Road 56 would qualify as an existing use. The proposed commercial development at 2187

Regional Road 56 is not existing. Notwithstanding each sites' existing vs. not-existing status, it is acknowledged that neither of these sites front onto an urban/rural boundary road and therefore they do not meet the criteria for a connection.

Beyond these policy conflicts, the applicants have not provided information about other compelling and/or extenuating circumstances that warrant the extension of lake-based servicing. The request for the proposed servicing connections and extension is tied to the Applicants' conclusion that municipal services would provide greater operational certainty and/or reliability to support existing and future uses on their respective sites.

Any extensions or expansions of lake-based municipal services beyond current urban boundaries should be considered in conjunction with broader municipal planning objectives and a fulsome review of settlement area boundaries through comprehensive review. A comprehensive review exercise would include a full evaluation of options and alternatives that would ensure an outcome based on the public interest as opposed to the limited scope of analysis that's been presented with this site-specific application. The proposed site-specific amendment does not comply with the intent and policies of the Rural Hamilton Official Plan.

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

#### **2121 Regional Road 56**

The subject site is zoned Agricultural (A1, 100) Zone in the City of Hamilton Zoning By-law No. 05-200. The base Agricultural (A1) Zone allows for agricultural uses, uses secondary to agriculture and single detached dwellings. The special exception (100) that applies to this site provides that "an Educational Establishment shall also be permitted and shall be in accordance with Section 12.1.3.1 b) through g)". Section 12.1.3.1 refers to regulations contained within the base Agricultural (A1) Zone. Items b) to g) relate to yard setbacks, lot coverage, outdoor storage and accessory buildings.

#### **2187 Regional Road 56**

The subject site is zoned Existing Rural Commercial (E1, 151) Zone in the City of Hamilton Zoning By-law No. 05-200. A portion of the site is also zoned Conservation/Hazard Land – Rural (P6) Zone to reflect an environmentally significant woodland feature at the eastern portion of the subject site.

The Existing Rural Commercial (E1) Zone applies to rural properties that contain legally existing commercial uses. This Zone recognizes and permits those uses that have been legally established prior to the enactment of this By-law. The special exception (151) that applies to this site provides that "a motor vehicle storage, sales and repair

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands  
Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027)  
(Ward 11) - Page 14 of 19**

---

operation, Motor Vehicle Service Station and an office for a travel agency shall also be permitted”.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<ul style="list-style-type: none"> <li>• Transportation Planning and Parking Division, Planning and Economic Development Department;</li> <li>• Healthy Environments Division Public Health Services, Healthy and Safe Communities Department;</li> <li>• Forestry and Horticulture Section, Environmental Services Division, Public Works Department; and,</li> <li>• Niagara Peninsula Conservation Authority.</li> </ul>		No Comments
	<b>Comment</b>	<b>Staff Response</b>
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p> <p>-and-</p> <p>Water &amp; Wastewater Planning, Hamilton Water Division, Public Works Department</p>	<p>Development Engineering is not in support of the approval of this Official Plan Amendment Application.</p> <p><b>Water service</b> Connection to the 400 mm diameter transmission main for servicing of the subject lands is not allowable. Transmission watermains are critical for the delivery of water services to thousands of customers (6,400,000 litres per day capacity) and their structural integrity is reduced with service connections. Also, transmission watermains have varying hydraulic states (pressure variations)</p>	<p><b>Water service</b> Should the OPA be approved, the applicants are proposing a new domestic watermain to be constructed parallel to the existing transmission watermain on the east side of Regional Road 56. The new watermain would be connected to the existing watermain just west of the existing pumping station. It is acknowledged that the construction of this local service main would be at the expense of the applicant. However, the long-term maintenance and liabilities associated with the new line would be assumed by the City. These costs and operating risks have not been</p>

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands  
 Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027)  
 (Ward 11) - Page 15 of 19**

	<p>not suitable for direct service to customers. Local service watermains are needed for customers. In addition, it is sometimes necessary to take transmission mains offline for various reasons. Having customers directly reliant on the main for servicing would require giving 48-hours' notice for water stoppages, inconveniencing both the City and the customer(s).</p> <p><b>Sanitary service</b>          The existing 900 mm sanitary trunk was not designed with the intent of servicing properties outside of the Binbrook Settlement Area.</p> <p><b>Storm sewer service</b>          Not applicable; urbanized storm sewer servicing is not available for these properties.</p>	<p>specifically defined through this application.</p> <p><b>Sanitary service</b>          It has been acknowledged by Public Works that the two subject properties could be serviced by way of individual connections to the 900 mm trunk sewer located along Regional Road 56. However, this does not address the broader question of whether it is appropriate to service lands outside of the urban area on an ad hoc basis or how this could impact overall capacity to service future planned urban development and redevelopment within the Binbrook urban area.</p> <p><b>Storm service</b>          It is recognized by staff and the applicant that storm sewers are not available.</p>
<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<p>As the intent of this application is to facilitate a municipal servicing connection to the existing school site at 2121 Regional Road 56 and 2187 Regional Road 56 which is subject to SPA-19-080, confirmation of whether a joint servicing agreement would be</p>	<p>The intent of this application is to facilitate the construction of a new municipal service watermain that would run parallel to the existing 400 mm transmission watermain within the Regional Road 56 right of way. The construction of the water main extension would be at the expense of the</p>

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11) - Page 16 of 19**

---

	needed for the servicing of 2121 and 2187 Regional Road 56 is required.	applicant and individual servicing connections would then be provided from the local extension. The long-term maintenance of the main extension would be the responsibility of the City in this scenario.
--	---	---

**Public Consultation:**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 12 property owners within 120 m of the subject property on November 21, 2019 requesting public input on the application. A Public Notice sign was also posted on the property on November 26, 2019 and updated on October 21, 2020 with the date of the Public Meeting. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on October 30, 2020.

At the time of writing this report, no submissions have been received from members of the public.

**Public Consultation Strategy:**

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a public consultation strategy. The strategy prepared by the consulting planners (IBI Group) relies on *Planning Act* requirements carried out by the City including installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the sites and the holding of a statutory public meeting before the City's Planning Committee.

The agent and applicants have indicated they will be present to answer questions at the statutory public meeting of the Planning Committee.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Official Plan Amendment application cannot be supported for the following reasons:
  - (i) The application does not conform to the Greenbelt Plan (2017);



- (ii) It does not comply with the policies and intent of the Rural Hamilton Official Plan as it is not the result of a public health emergency and the sites do not front on an urban/rural boundary road; and,
  - (iii) The applicable RHOP policies support the strategic directions formulated through comprehensive municipal planning exercises such as the GRIDS and the Water and Wastewater Master Plan for Lake-Based Systems and therefore a site-specific amendment, as proposed, does not represent good planning.
2. Section 4.2.2 of the Greenbelt Plan states that “the extension of municipal or private communal sewage or water services outside of a settlement area boundary shall only be permitted in the case of health issues or to service existing uses and the expansion thereof adjacent to the settlement area”. The applicants acknowledge that there are no health issues requiring resolution at the present time. These sites are not located adjacent to the settlement area boundary. The Provincial Policy Statement, which provides the overall direction and framework for the Greenbelt Plan, defines “adjacent” as contiguous. The sites are approximately 300 metres (2187 Regional Road 56) and 575 metres (2121 Regional Road 56) north of the Urban Area Boundary respectively and are both separated from the boundary by a series of intervening parcels. The proposed amendment and associated extension of municipal water services does not conform to the Greenbelt Plan.
3. The RHOP allows for lake-based municipal servicing extensions in the case of public health emergencies declared by the Medical Officer of Health. The applicants acknowledge that the subject application is not in response to a public health issue or emergency as it relates to existing uses.

Further, the RHOP allows for connections to existing municipal servicing for existing lots and existing uses that front on a rural/urban boundary road where there is sufficient capacity available to service the development. It is further acknowledged that, notwithstanding the existing sanitary line adjacent to the sites, these sites do not front onto an urban/rural boundary road. Section C.5.3.3 of the RHOP recognizes that the City allowed for extension of lake-based municipal services to certain properties in the Rural Area prior to the adoption of the plan but specifically directs that no municipal service extensions or expansions should be permitted moving forward. The Applicant’s planning rationale does not speak to other compelling and/or extenuating circumstances that would warrant the extension of or connection to lake-based servicing in consideration of this policy direction. Therefore, staff do not support the proposed Official Plan Amendment.

4. Though preliminary estimates have been provided by the Applicant, the long-term costs and liabilities associated with the proposed municipal water main extension have not been subjected to any municipal forecasts as would be generally expected to occur through a comprehensive planning review process needed to support an urban boundary expansion.

## **ALTERNATIVES FOR CONSIDERATION**

1. Should the application be denied, the subject lands could be developed for uses permitted by the existing Agricultural (A1, 100) Zone and Existing Rural Commercial (E1, 151) Zones that apply to the subject properties. The applicants can continue with the on-going operation and growth of the school in accordance with the sustainable servicing policies of the Rural Hamilton Official Plan. Additionally, the proposed commercial development could utilize private on-site servicing in accordance with the RHOP and conditions of site plan approval for SPA-19-080.
2. Council could refer the matter back to staff, request the applicant to provide additional information to better understand any potential capacity impacts and long-term maintenance costs and direct that staff report back to Council on the results and further recommendations, if necessary.
3. Should the application be approved, staff should be directed to prepare a draft Official Plan Amendment to establish a Site-Specific Policy area in Volume 3, Chapter B – Rural Site Specific Areas of the Rural Hamilton Official Plan to permit the extension of “lake-based” municipal water services and a connection to municipal wastewater services outside of the urban boundary to service lands located at 2121 and 2187 Regional Road 56, Glanbrook. Further, staff should be directed to issue the associated sewer and water permit to allow for connection to municipal wastewater services and extension of municipal water services at the owner’s expense.

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands  
Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027)  
(Ward 11) - Page 19 of 19**

---

**Clean and Green**

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

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": Location Map

Appendix "B": Site Plan – 2187 Regional Road 56