



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 6, 2021
SUBJECT/REPORT NO:	Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12)
WARD AFFECTED:	Ward 12
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Rural Hamilton Official Plan Amendment application RHOPA-20-028, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner)**, to amend the Rural Hamilton Official Plan designation from “Open Space” to “Agricultural” on two portions of the subject lands (Knollwood Golf Course) and recognize a reduced lot area to permit the severance of the existing single detached dwellings for the lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster as shown on Appendix “A” to Report PED21125, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment implements the direction given by Planning Committee on September 22, 2020 (PED21125) of

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.

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 2 of 20

Committee of Adjustment applications AN/B-20:30, AN/B-20:31 and AN/B-20:32.

- (b) That **Zoning By-law Amendment application ZAR-20-045, as amended, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner)** to change the zoning from the Open Space (P4) Zone to the Agricultural (A1, 746) Zone to permit a single detached dwelling on each of the three lots to be created and modifications to the required setbacks, accessory structure size, height, for lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster, to reflect the existing buildings and structures on the subject lands as shown on Appendix “C” to Report PED21125, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is required in order to implement Condition No. 10 of Consent application AN/B-20:30, Condition No. 9 of Consent application AN/B-20:31 and Condition No. 9 of Consent application AN/B-20:32; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The Owner, Knollwood Golf Limited, applied for an Official Plan and Zoning By-law Amendment to permit single detached dwellings on three new lots that will be created by joint Consent applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 and approved by the Committee of Adjustment on July 23, 2020 for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster. The severed residential lots are for the purpose of separating the existing single detached dwellings from the existing golf course.

The Committee of Adjustment approved the Consent applications. The decision of the Community of Adjustment was appealed to the Local Planning Appeal Tribunal (LPAT) by staff as there were conflicts with the Rural Hamilton Official Plan. Staff presented a report Planning Committee on September 22, 2020 (PED20160) requesting direction on

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 3 of 20

how to proceed with the Appeal. After discussing the merits of the Consent applications, Planning Committee directed staff to withdraw the appeal letter to the LPAT and allow the Committee of Adjustment's Consent approval to stand. The recommendations of the Planning Committee were approved by City Council on September 30, 2020.

The purpose of the Rural Hamilton Official Plan Amendment application is to change the designation on two portions (822 Book Road West and 1276 Shaver Road) of the subject lands (Knollwood Golf Course) from the "Open Space" to "Agricultural" designation in order to permit a single detached dwelling on each of the two new lots created by the Consent approvals. The Official Plan amendment also proposes to establish a special policy area to recognize the reduced lot area of 822 Book Road West. Single detached dwellings are not permitted in the Open Space designation whereas the Agricultural Designation permits one single detached dwelling on a property. The third proposed severed lot (914 Book Road West) is currently designated "Agricultural" and therefore does not require change in designation.

The purpose of the Zoning By-law Amendment application is to change the zoning on all three proposed severed lots on the subject lands from the Open Space (P4) Zone to the Agricultural (A1) Zone to permit a single detached dwelling and recognize existing non-conformities for the existing buildings and structures.

Approval of the Official Plan Amendment and Zoning By-law Amendment applications are required to implement the Consent applications approved by the Committee of Adjustment on July 23, 2020 (AN/B-20:30, AN/B-20:31, AN/B-20:32) and City Council direction.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Knollwood Golf Ltd., c/o Jason Cassis
File Number:	RHOPA-20-028 and ZAR-20-045
Type of Application:	Rural Hamilton Official Plan Amendment and Zoning By-law Amendment
Proposal:	<ul style="list-style-type: none"> • Change the designation for a portion of the subject lands from Open Space to Agriculture to permit a single detached dwelling on each of the two new lots created through Consent applications AN/B-20:30, AN/B-20:31 and AN/B-20:32. • Change the zoning from the Open Space (P4) Zone to the Agriculture (A1, 746) Zone to permit a single detached dwelling on each of the three new lots created through Consent applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 and recognize existing non-conforming setbacks, heights and the lot area and for the size of an existing accessory structure on the severed residential lots for the existing structures.
Property Details	
Municipal Address:	822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster
Lot Area:	<p>112.14ha (264.6 acres)</p> <p>Proposed Residential Lot at 822 Book Road West: ± 0.47 ha (± 1.16 ac)</p> <p>Proposed Residential Lot at 914 Book Road West: ± 0.33 ha (± 0.82 ac)</p>

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 5 of 20

	Proposed Residential Lot at 1276 Shaver Road: ± 0.64 ha (±1.58 ac)
Servicing:	The properties are serviced by private and separate well and septic services.
Existing Use:	Knollwood Golf Course and three existing single detached dwellings
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan (2017).
Rural Hamilton Official Plan Existing:	<ul style="list-style-type: none"> • “Open Space” and “Agriculture” in Schedule “D” – Rural Land Use Designations
Official Plan Proposed:	<ul style="list-style-type: none"> • “Agriculture” on Schedule “D” – Rural Land Use Designations to be retained for a portion of the subject lands (i.e. Knollwood Golf Course) • Site Specific designation in order to recognize the reduced lot area for the existing dwelling known as 914 Book Road West.
Zoning Existing:	<ul style="list-style-type: none"> • Open Space (P4) Zone and Conservation/Hazard Land - Rural (P6) Zone.
Zoning Proposed:	<ul style="list-style-type: none"> • Agriculture (A1, 746) Zone on the severed portion of the subject lands on the two of the severed portions of the subject lands. Site specific zoning is required to recognize the existing non-conforming regulations for the existing structures on-site.
Modifications proposed for the Agriculture (A1-746) Zone:	Agriculture (A1, 746) Zone:

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 6 of 20

	<ul style="list-style-type: none"> • Notwithstanding Section 12.1.3.3a), for the property known as 914 Book Road West the minimum lot area shall be 0.3 hectares instead of the required 0.4 hectares; • Notwithstanding Section 12.1.3.3c), the maximum height for 822 and 914 Book Road West and 1267 Shaver Road shall be 11.0 metres whereas the required height is 10 metres. • Notwithstanding Section 12.1.3.3d), for the property known as 1276 Shaver Road the minimum front yard setback shall be 8.0 metres whereas the minimum required front yard setback is 10 metres. • Notwithstanding Section 4.8.2 c), for the property known as 914 Book Road West, the gross floor area of all buildings accessory to a single detached dwelling shall not exceed 450 square metres whereas the maximum lot coverage is 200 square metres.
Processing Details	
Received:	November 25, 2020
Deemed Complete:	December 21, 2020
Notice of Complete Application:	Sent to 27 property owners within 120 metres of the subject property on December 21, 2020.
Public Notice Sign:	Sign Posted: January 4, 2021 and updated June 10, 2021
Notice of Public Meeting:	Sent to 27 property owners within 120 metres of the subject property on June 18, 2021.
Public Consultation:	As per the approved Council guidelines, circulation to the surrounding property owners was previously provided through the Committee of Adjustment Consent applications. At that time, no comments were received.
Public Comments:	No public comments received for the proposal.

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 7 of 20

Processing Time:	223 days from the date of receipt of applications.
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BACKGROUND

July 23, 2020 Committee of Adjustment

On July 23, 2020, Consent applications were reviewed by Committee of Adjustment to sever a portion of the lands known as 822 and 914 Book Road West and 1276 Shaver Road (AN/B-20:30, AN/B-20:31 and AN/B-20:32). At the Committee of Adjustment meeting, the Planning Staff were supportive of the proposal in principle but recommended tabling until such time that the applicant submits a hydrogeological study to confirm the proposed severances will meet the City’s sustainable servicing policies and to rezone the lands to permit residential uses. An Official Plan Amendment would also be required. At the meeting, the Committee of Adjustment discussed the comments about the lot size, road widening, hydrogeological study and use.

The Committee of Adjustment approved the Consent applications, subject to conditions including the requirement for a hydrogeological study and Zoning By-law Amendment application (included in Appendix F to Report PED21125). The requirement for an Official Plan Amendment was not included in the conditions of Consent.

Under the Planning Act, appeals must be filed within 20 days of the decision. As such, as per the standing Council instructions to staff, Planning and Economic Development staff submitted an appeal letter and the required fee to the Secretary-Treasurer of the Committee of Adjustment on August 11, 2020 to initiate the appeal process, subject to Council’s approval/ratification.

September 22, 2020 Planning Committee Meeting

On September 22, 2020, the Planning Committee considered staff’s report (PED21125), Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32.

The Planning Committee directed staff to withdraw the appeal and directed that the applicant be required to apply for and receive approval of an Official Plan in addition to the Zoning By-law Amendment prior to the Consent being approved (see Planning Committee minutes of September 22, 2020 attached as Appendix “E” to this report).

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Knollwood Golf Course and three single detached dwellings	Open Space (P4) Zone and Conservation/Hazard Land Rural (P6) Zone
Surrounding Land Uses:		
North	Agriculture and single detached dwellings	Agriculture (A1) Zone
East	Agriculture	Agriculture (A1) Zone and Conservation/Hazard Lands Rural (P6) Zone
West	Agriculture	Agriculture (A1) Zone and Conservation/Hazard Land Rural (P6)Zone
South	Agriculture	Agriculture (A1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) (PPS)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) 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 proposal.

Residential Development

- “1.1.4.1 Healthy, integrated and viable rural areas should be supported by:
- a) Building upon rural character, and leveraging rural amenities and assets;

- d) Encouraging the conservation and redevelopment of existing rural housing stock on *rural lands*;
- e) Using rural *infrastructure* and *public service facilities* efficiently.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) The management or use of resources;
- c) Residential development, including the lot creation, that is located appropriate;
- d) *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
- g) Other rural land uses.

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

The Provincial Policy Statement allows for residential development in rural areas that is locally appropriate. The subject lands are located in the rural area and the Official Plan and Zoning By-law amendments will allow for the continued residential use of the lands.

The three residential dwellings (originally farm houses) have been in existence for many decades and merged through previous land purchases. The existing single detached dwellings are not used as part of the golf course operation. It is the intent of the PPS to allow municipalities to determine the extent of residential development in the rural area. Given that the dwellings are existing and are compatible with the surrounding rural and residential uses, the proposed site specific Official Plan and Zoning By-law Amendment, attached as Appendices “B” and “C” to Report PED21125 are consistent with the PPS (2020).

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 lands are designated “Protected Countryside” in the Greenbelt Plan. The following policies, amongst others, are applicable.

“4.5 Existing Uses

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 10 of 20

- 4.5.1 All *existing uses* are permitted.
- 4.5.4 Expansions to existing buildings and structures and uses and/or conversions of legally existing uses which bring the use more into conformity with the Plan are permitted subject to a demonstration of the following:
- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and,
 - b) The use does not expand into key natural features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographic proximity to the existing structure.”

The three former farmhouses are existing residential uses that are recognized and permitted under the Greenbelt Plan (2017). The surrounding land uses along Shaver and Book Roads are predominantly characterized by single detached dwellings and agricultural uses. This proposal will bring the uses more into conformity with the Greenbelt Plan by maintaining the existing rural landscape, utilizing existing private services and not expanding into key natural heritage features or key hydrologic features or their associated vegetation zone. Therefore, based on the above, the proposal conforms to the Greenbelt Plan.

Rural Hamilton Official Plan (RHOP)

The subject lands are designated as “Open Space” on Schedule D – Rural Land Use Designations, in the Rural Hamilton Official Plan. The following policies, amongst others, apply.

Land Use Designation

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 S.2, Natural Heritage System policies of this Plan.

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

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 Open Space designation of the Rural Hamilton Official Plan permits recreational activities, conservation management and other open space uses. One ancillary residential dwelling in conjunction with a resource-based recreational and tourism use is permitted provided that it does not interfere with or have any negative impacts on the open space nature of the lands. As the two existing dwellings within the Open Space designation (914 Book Road West and 1276 Shaver Road) are not a resource-based recreational and tourism use, the uses do not comply with the Open Space designation.

The proposed Rural Hamilton Official Plan amendment will change the designation on a portion of the Golf Course lands in accordance with the shape and configuration shown on the Consent applications from Open Space to Agricultural. The Agricultural designation permits a single detached dwelling on a lot. The designation change

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 12 of 20

represents the best option for implementing the severance applications. It will allow for the continued residential use of the dwellings while still respecting the surrounding agricultural related and rural related properties.

Rural Area General Provisions

- “C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop and Rural designations, provided the applicable conditions are met: (OPA 5)
- a) Except as permitted in Sections D.2.1.1.6 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted, in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted

Agriculture Permitted Uses

- D.2.1 Uses permitted in the Agriculture designation are limited to agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on farm secondary uses as set out in the following policies.”

The Agriculture designation permits a maximum of one dwelling per lot, agriculture, agricultural related and on farm secondary uses. The proposed conveyed portion of the subject lands are respectively 0.47 ha, 0.33 ha and 0.64 ha in size.

As the Open Space designation does not permit a residential use and is limited to only recreational activities, conservation management and other open space uses, the Agricultural designation is the best option to implement to proposed severances.

Therefore, based on the above, the proposal complies with the RHOP.

C.5.1 Private Water and Wastewater Services

- “5.1.1 No draft, conditional or final approval of development proposals shall be granted by the City for any development in the rural area that could impact existing private services or involves private services until the development proposal has complied with all of the following:
- a) Prior to or at the time of application for a proposal that could impact existing private services or involves proposed private services,

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

- b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.5 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant's expense. (OPA 23)
- c) The minimum size for a new lot proposed in an application for a severance, lot addition or draft plan of subdivision with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall:
 - i) be the size required to accommodate the water system and sewage disposal system with acceptable on-site and off-site impacts;
 - ii) 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); and,
 - iii) not be less than 0.4 hectare (one acre) in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 f). (OPA 26)
- f) 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 acceptable 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

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 14 of 20

no case shall a proposed new lot be less than one acre in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1.

- g) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;
- h) The existing or proposed wastewater system shall not include a sewage disposal holding tank; and,
- i) The existing or proposed water supply system shall include a well with sufficient quantity of water to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.

The applicant submitted a hydrogeological report by Landtek Ltd., dated January 29, 2021, and an addendum to the report dated April 14, 2021, that evaluated the existing wells and sewage systems to evaluate whether or not there will be any negative impacts to the surrounding environment as a result of the proposed residential uses on the severed lots.

The proposed lot sizes are as follows:

- 914 Book Road West: 0.3 ha (0.82 ac);
- 822 Book Road West: 0.47 ha (1.16 ac);
- 1276 Shaver Road: 0.64 ha (1.58 ac)

The proposed lot at 914 Book Road is 0.3 ha (0.82 ac) which is below the minimum lot size of 0.40 ha. Therefore an Official Plan Amendment is required to recognize the smaller lot size.

A hydrogeological study was submitted for all three of proposed lot sizes and based on a review of the hydrogeological study and addendum, staff are satisfied that the properties can be sustainably serviced.

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

The subject lands are currently zoned Open Space (P4) Zone in City of Hamilton Zoning By-law No. 05-200. The Open Space (P4) Zone permits a variety of open space uses including botanical gardens, cemeteries, community gardens, nature centres, season

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 15 of 20

campgrounds and urban farms. One ancillary dwelling may be permitted 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. Residential (i.e. single detached dwelling) uses are not permitted in the Open Space (P4) Zone. As such, the use of a single detached dwelling will no longer be permitted upon finalization of the severance applications.

The purpose of the Zoning By-law Amendment is to change the zoning from Open Space (P4) Zone to the Agriculture (A1, 746) Zone in order to permit the residential use of the lands to be severed.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Asset Management, Strategic Planning, Public Works Department; and, Recreation Division, Healthy and Safe Communities Department. 		No Comment
	Comment	Staff Response
Development Engineering Approvals, Planning and Economic Development Department	<ul style="list-style-type: none"> Reviewed the applications and have no concerns with the Official Plan Amendment and Zoning By-law Amendment There are no existing municipal services fronting the subject property and the residential developments will continue to use the private well and septic systems on site. <p>The subject section of Book Road West and Shaver Road are both classified as rural collector roads. The current road allowance right-of-way width of Book Road West is 20.3 m. Without setting</p>	<ul style="list-style-type: none"> Noted

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 16 of 20

	<p>precedent, Transportation Planning will waive the right-of-way dedication requirements for the severance.</p> <ul style="list-style-type: none"> • Each lot should be independently drained and external drainage patterns must be maintained. 	
<p>Source Water Protection Comments</p>	<ul style="list-style-type: none"> • This application is somewhat unique in nature compared to typical applications for new lot creation, in that the existing water supply wells and septic systems have been in place for decades, two of which are located downgradient of their respective septic system. While this is typically not a recommended location for water supply wells due to presumed risks of drinking contaminated groundwater, it also presents valuable information on the current and historic groundwater impact that these septic systems have posed to the local groundwater system. Given that the observed groundwater concentrations are considerably lower than what a desktop estimate would consider utilizing regular dilution, where two wells shows near non-detect of nitrate, this supports Landtek's assertions that isolation plays 	<ul style="list-style-type: none"> • Noted

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 17 of 20

	<p>a major role in managing septic system effluent.</p> <ul style="list-style-type: none"> • Based on wording with Guideline D-5-4, monitoring based considerations can apply in order to characterize water quality risks originating from septic system for existing development. Having wells located downgradient of septic systems (with the resultant nitrate concentrations) aids in this characterization. • Based on Landtek’s assertions pertaining to groundwater flow direction, it is expected that septic system pollution will flow towards the golf course and not neighbouring properties. This meets the intent of the condition from Hamilton Water, as set out in the Committee of Adjustment decision and points to reduced overall risks. • As a result, we are able to support the proposal given these unique circumstances and the findings from Landtek. 	
<p>Public Consultation</p>		
<p>There were no public comments received for the proposal.</p>		

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application was sent to 27 property owners within 120 metres of the subject property on December 21, 2021. A Public Notice sign was posted on the property on January 4, 2021 and updated with the public meeting date on June 09, 2021. Finally, Notice of the Public Meeting was mailed to 27 property owners within 120 metres of the subject lands on June 10, 2021. To date, no public comments were received for the application.

The applicant's Public Consultation Strategy identified that a circulation to the surrounding property owners was previously sent through the Committee of Adjustment Consent application. At that time, there were no comments received regarding the proposed severances.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1. The proposed Rural Hamilton Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
 - i. The proposed amendments are consistent with the PPS (2020) and conforms to the Greenbelt Plan (2017);
 - ii. It complies with the general intent and purpose of the Rural Hamilton Official Plan, subject to the recommended Official Plan Amendment; and,
 - iii. The proposed development is considered to be compatible with the existing and planned development in the area.
2. The proposed Rural Hamilton Official Plan Amendment will:
 - Re-designate a portion of the lands from "Open Space" to "Agriculture" on Schedule D – Rural Land Use designations; and,
 - Add a site specific to the subject lands in order to permit a minimum lot area of 0.3 hectares) and to permit a residential severance whereas a severance for residential purposes is prohibited.

The amendments will implement the direction given by the Planning Committee on September 22, 2020 to allow for the implementation of the July 23, 2020 Committee of Adjustment approval of the proposed severances. The

amendments will allow for the continued residential use of the existing dwellings after the severance of the lands.

A hydrogeological study was submitted and the sustainable servicing for the residential uses and lot sizes were supported.

3. The proposed Zoning By-law Amendment will rezone the lands from the Open Space (P4) Zone to the Agriculture (A1, 746) Zone in order to permit a single detached dwelling on each of the newly severed properties. In addition, a site specific is required to recognize the existing single detached dwellings and accessory structures that do not comply with the existing regulations for the Agriculture (A1) Zone. The modifications are required for minimum lot area, minimum front yard, maximum building height and gross floor area of accessory structures. The requested modifications have merit because the purpose is to recognize existing structures on-site and our source water protection group states that the minimum lot area can be sustainably serviced. The modifications have been discussed in detail in Appendix “D” of Report PED21125.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment be denied, the existing Open Space designation and the Open Space (P4) Zone would continue to apply to the subject lands. The applicant would not be able to fulfil the conditions of the approved Consent applications AN/B-20:30, AN/B-20:31, and AN/B-20:32 and the lands containing the existing single detached dwellings could not be severed into three new lots.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

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: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) - Page 20 of 20

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED21125 – Location Map

Appendix "B" to Report PED21125 – Official Plan Amendment

Appendix "C" to Report PED21125 – Amendment to Zoning By-law No. 05-200

Appendix "D" to Report PED21125 – Site Specific Zoning Modification Table

Appendix "E" to Report PED21125 – Minutes to September 27 Planning Committee

Appendix "F" to Report PED21125 – Notice of Decision for AN/B-20:30, AN/B-20:31 and AN/B-20:32

Appendix "G" to Report PED21125 – Severance Sketches