



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 19, 2021
SUBJECT/REPORT NO:	Appeal of Rural Hamilton Official Plan Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028 for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with Subsections 22(7) and 34(11) of the *Planning Act*, an Official Plan Amendment Application together with a Zoning By-law Amendment Application may be appealed to the Ontario Land Tribunal (OLT, formerly the Local Planning Appeal Tribunal, LPAT) after 120 days if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided to Planning Committee with regards to Rural Hamilton Official Plan Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028, which have been appealed by the proponent for non-decision.

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: Appeal of Rural Hamilton Official Plan Amendment Application
RHOPA-19-007, Zoning By-law Amendment Application ZAC-19-028
for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191)
(Ward 11) – Page 2 of 5**

Background:

The subject property is municipally known as 3355 Golf Club Road (refer to Appendix “A” attached to Report PED21191). The applicant, Corbett Land Strategies Inc., c/o John Corbett, on behalf of Mario Roque (Owner), has applied for amendments to the Rural Hamilton Official Plan (RHOPA-19-007) and Zoning By-law (ZAC-19-028).

The subject property is a flag shaped lot, 27.08 hectares in size with 9.12 metres of frontage on Golf Club Road. The property is bisected by a hydro corridor and a watercourse and the abutting lands are used for agricultural and rural residential (i.e. single detached dwelling) uses. The subject property is currently being farmed (known as Paradise Fields) and includes a significant woodland and wetland area. There is a 1,364 square metre greenhouse and other agricultural outbuildings on the property.

The Owner is proposing to develop an ‘Agri-tourism facility’ on the property that would include a two-storey, 2,998 square metre building that would contain accommodation for up to 25 guests, a restaurant, meeting and educational spaces and 46 total parking spaces. The applicant has provided a concept plan (see Appendix “B” attached to Report PED21191).

The applicant submitted the following plans and studies to support the proposal:

- Planning Justification Report;
- Environmental Impact Study;
- Agricultural Economic Impact Study;
- Concept Plan;
- Landscape Plan;
- Grading Plan;
- Functional Servicing Report;
- Hydrogeological Report; and,
- Archaeological Assessment.

The application was circulated to internal departments and external review agencies for comment on October 31, 2019. Based on comments received on the technical submission, the applicant provided the City with a resubmission on November 4, 2020 that updated the:

- Planning Justification Report;
- Environmental Impact Assessment;
- Agricultural Economic Impact Study;
- Hydrogeology Report; and,

**SUBJECT: Appeal of Rural Hamilton Official Plan Amendment Application
RHOPA-19-007, Zoning By-law Amendment Application ZAC-19-028
for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191)
(Ward 11) – Page 3 of 5**

- Conceptual Site Plan.

The applicant has also submitted a Site Plan Amendment Application (SPAR-21-040) on March 15, 2021 to construct two additional greenhouses on the subject property which received conditional approval on May 14, 2021.

Greenbelt Plan (2017)

The subject lands are located within a Protected Countryside area under the Greenbelt Plan. For lands within Prime Agricultural Areas of the Protected Countryside, Section 3.1.3 of the Greenbelt Plan states:

- “1. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected, and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.”

Rural Hamilton Official Plan and Hamilton Zoning By-law No. 05-200

The subject lands are identified as “Agriculture” on Schedule D – Rural Land Use Designations in Volume 1 of the Rural Hamilton Official Plan (RHOP). Schedule B – “Natural Heritage System” in Volume 1 of the RHOP identifies the subject lands as containing Core Area, Greenbelt Protected Countryside and Greenbelt Natural Heritage Systems.

The subject lands are zoned Agriculture (A1) Zone, Conservation/Hazard Land - Rural (P7) Zone and Conservation/Hazard Land - Rural (P8) Zone under City of Hamilton Zoning By-law No. 05-200 (refer to Appendix “A” attached to Report PED21191).

Official Plan Amendment Application

Application RHOPA-19-007 is an Official Plan Amendment application to add a site-specific policy area in order to permit the following uses:

- Bed and breakfast (maximum of 25 guests);
- Restaurant;
- Naturopathic clinic;
- Educational;
- On-farm diversified use; and,

**SUBJECT: Appeal of Rural Hamilton Official Plan Amendment Application
RHOPA-19-007, Zoning By-law Amendment Application ZAC-19-028
for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191)
(Ward 11) – Page 4 of 5**

- On-farm secondary use.

Zoning By-law Amendment Application

Application ZAC-19-028 is a Zoning By-law Amendment Application to change the zoning from Agriculture (A1) Zone to a modified Agriculture (A1) Zone that:

- Expands the definition of an “Agri-tourism Facility” to allow for a naturopathic clinic, overnight accommodations (e.g. bed and breakfast) for up to 25 guests and recreational uses among others; and,
- Increases the maximum building size for an on-farm diversified use from 500 square metres to 2,998 square metres.

In addition, the Zoning By-law Amendment proposes to adjust the boundaries of the Conservation/Hazard Land - Rural (P7) Zone and Conservation/Hazard Land - Rural (P8) Zone based on the completion of the Environmental Impact Statement (EIS) submitted as part of the applications.

The requested site-specific modifications are shown conceptually on the Concept Plan, in Appendix “B” attached to Report PED21191.

City Staff’s Review and Comments

Planning Staff have concerns with the 25-guest Bed and Breakfast component of the proposed Agri-tourism facility. Specifically, that the total number of guests and size of the facility would mean that it would function as a Hotel and not a Bed and Breakfast. Hotels are not permitted in Agricultural areas under the Provincial Policy Statement, Greenbelt Plan and RHOP.

At the time of appeal, City staff’s technical concerns with the hydrogeology report and Environmental Impact Study have not been resolved.

PUBLIC CONSULTATION

Notice of Complete Application for the Rural Hamilton Official Plan Amendment and Zoning By-law Amendment was circulated to property owners within 120 metres of the subject property on November 5, 2019.

To date staff have received a total of eight written submissions opposed to the development. Issues raised relate to the size of the proposed ‘bed and breakfast’ facility, environmental impact on the surrounding area, increased traffic and lack of conformity with the Greenbelt Plan.

**SUBJECT: Appeal of Rural Hamilton Official Plan Amendment Application
RHOPA-19-007, Zoning By-law Amendment Application ZAC-19-028
for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191)
(Ward 11) – Page 5 of 5**

The appeal of the Official Plan Amendment and Zoning By-law Amendment, filed by John Corbett, agent for Mario Roque (Owner), was received by the City Clerk's Office on May 27, 2021, 584 days after the applications were deemed complete.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED21191 - Location Map
Appendix "B" to Report PED21191 - Concept Plan
Appendix "C" to Report PED21191 - Letter of Appeal

CT:sd