

External Agency Draft OPA and ZBLA Comments		
Agency	Comment	Response
Alectra	<p>Our office has no conflicts with zoning changes only.</p> <p>Alectra Utilities has areas of O/H distribution located within the areas to be re-developed at greater density that will need to be addressed on a location by location basis for further development.</p>	Noted
Canadian National Rail	<p>CN encourages the municipality to pursue the implementation of the following criteria in the Zoning By-law Amendment:</p> <ol style="list-style-type: none"> <li>1.Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1.</li> <li>2.Installation of a chain link fence of minimum 1.83 meter height along the mutual property line with railway corridor.</li> <li>3.For dwellings within 300 meters of the railway right of way, the obligation to undertake an analysis of noise and a report enlisting the mitigations solutions to reduce the impacts from railway noise operational emissions.</li> <li>4.Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ±3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.</li> </ol>	<p>Section 4.23 b) of Zoning By-law 05-200, which the subject lands are proposed to be included, imposes a 30 metre setback of all buildings and structures in a Residential or Institutional Zone from a Rail Right-of-Way.</p> <p>Policy B.3.6.3.9 of the Rural Hamilton Official Plan can require a noise feasibility study for proposed noise sensitive land uses within 500 metres of a railway line.</p> <p>Policy B.3.6.3.12 of the Rural Hamilton Official Plan can require a vibration study for development on lands located within 75 metres of a railway line or railway yard. These Vibration studies may be reviewed by the appropriate railway company.</p> <p>RHOP policies B.3.6.3.15, B.3.6.3.16, B.3.6.3.17, and B.3.6.3.18 contain further policy guidance on sensitive development adjacent to railways. This includes further guidance on noise and vibration studies, and the consultation with the appropriate railway authority. These policies also discuss ensuring that the appropriate safety measures are in place adjacent to railways, including berms, setbacks, and security fencing.</p> <p>The Pleasantview lands will be subject to the above Rural Hamilton Official Plan policy guidance with respect to railways.</p>
Conservation Halton	<p><b>Draft Official Plan Amendment and Mapping</b></p> <ol style="list-style-type: none"> <li>1. Appendix F (page 13) – CH’s Approximate Regulation Limit (ARL) wetland layer includes additional wetlands that are not identified to be added as ‘Key Hydrologic Feature Wetlands’. We recommend these wetlands are considered for inclusion on the map.</li> <li>2. Request that the Hopkins Tract lands be included as a "Linkage" on Schedule B- Natural Heritage System.</li> </ol> <p><b>Draft Zoning By-law Amendment and Mapping</b></p> <ol style="list-style-type: none"> <li>3. Section 800 (f) and 801 (f) – Staff note that the term “fill line” is outdated and no longer used in CA regulations. Staff recommend revising the wording to read “... where any portion of a building, structure, or tile field is closer than 15 metres from the natural hazard, unless permitted by the Conservation Authority having jurisdiction.”</li> <li>4. Zoning Map (page 17 and 18) <ol style="list-style-type: none"> <li>a. ‘C.A. Generic Regulation Area’ should be updated to read ‘Conservation Authority Approximate Regulation Limit’</li> <li>b. Staff request a note on the map be included that states ‘CA ARL mapping should be consulted for the most up to date information’</li> </ol> </li> <li>5. Other – We are interested in understanding how the CA ARL limit (green overlay on Zoning Map) is triggered within the Zoning By-law Amendment document. Does the comprehensive zoning bylaw direct readers to refer to these maps?</li> </ol>	<ol style="list-style-type: none"> <li>1. Appendix F has been modified to include some additional smaller wetlands as shown on Ministry of Natural Resources and Forestry mapping.</li> <li>2. Upon further review and discussion with Natural Heritage Staff, the Hopkins Tract lands meet the definition of Linkage and were therefor included as such on Schedule B - Natural Heritage System of the RHOP.</li> <li>2. Wording within Section 800 (f) and 801 (f) was revised to reflect "natural hazard" as opposed to "fill line"</li> <li>3. Zoning mapping updated to change "C.A Generic Regulation Limit" to "Conservation Authority Approximate Regulation Limit" and add a footnote that "CA ARL mapping should be consulted for the most up to date information" added to mapping as a note.</li> </ol>

<b>Enbridge</b>	Enbridge Pipelines Inc. has reviewed the area in question and we do not have any infrastructure within 500 m, therefore have no comment on the Draft Rural Hamilton Official Plan and Zoning By-law Amendment materials.	Noted
<b>Hamilton Conservation Authority</b>	Hamilton Conservation Authority requested that 472 York Road be designated as "Open Space" within the Rural Hamilton Official Plan as the lands are public lands and are intended to be used for public park purposes and will become part of the Niagara Escarpment Parks and Open Space System in the future.	Staff agree that the "Open Space" designation is a suitable designation for these lands given the additional context provided by the HCA. The proposed designation for these lands was changed to "Open Space"
<b>Mississaugas of the Credit First Nation</b>	At this time MCFN has no further concerns.	Noted
<b>Ministry of Transportation</b>	<p>In principle, we have no objection with these proposals.</p> <p>All lands within the ministry's permit control limits (up to 800m from MTO property) will require MTO permits (e.g. grading/servicing, building and land use, etc.). Please ensure that applicable proponents are aware that ministry permits will need to be secured prior to the commencement of any on-site works.</p> <p>MTO setbacks are a minimum of 14.0m from all ministry lands (may increase depending on changing ministry priorities). No features which are essential to the overall viability of the site are permitted within the MTO 14.0m setback area. Essential features include, but are not limited to, buildings/structures (above or below grade), required parking spaces (required per the municipal zoning by-law), retaining walls, utilities (includes parking lot lighting), stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc. Please note that non-essential parking may be located within the MTO 14.0m setback area and must be set back a minimum of 3m from the MTO property line. Information regarding the application process, forms and the policy can be found at the link:</p> <p><a href="http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml">http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml</a></p> <p>Please insert the ministry's 14.0m setback limit requirements in the zoning by-law.</p>	Provision 4.23 a) of Zoning By-law 05-200 incorporates a 14.0m setback from a Provincial Right-of-Way for all buildings, structures, required parking areas, and stormwater management facilities. This provision will apply to the subject lands once the Pleasant View area is brought into Zoning By-law 05-200.
<b>Royal Botanical Gardens</b>	Item e)iii of the proposed amendment relating to access (pg 5- about tractor trailers). The RBG's 16 Old Guelph Rd address is a principle property operations area, with tractor trailers occasionally coming with supplies. Wants to ensure the proposed RHOP and zoning will not impact this.	Confirmed with RBG that Section e) iii) of the proposed Rural Hamilton Official Plan Amendment only applies to 325 Old Guelph road and the existing industrial property. This provision was carried forward from the Niagara Escarpment Plan's Special Provisions for Pleasantview and a previous OMB (now OLT) Decision.
<b>The Niagara Escarpment Commission</b>	We have reviewed the draft OPA and ZBLA for Pleasant View and have no further comments or concerns with respect to conformity with the NEP policies for the area.	Noted

<b>Trans-Canada Energy (via MHBC)</b>	<p>We understand the Pleasantview lands are being removed from the former Dundas Zoning By-law 3581-86 and placed into the City's comprehensive Zoning by-law 05-200. As such, the setback for TCPL as set out in Section 4.23 c) will now apply to these lands and require the minimum 10 metre setback to the edge of the right of way.</p> <p>In addition, we understand through the GRIDS 2 process, both the Urban and Rural Official Plans will be updated to reflect comments received through the Municipal Comprehensive Review process. While we believe there is a need to amend the Rural Official Plan to incorporate policies to reflect TCPL's requirements, given that this Official Plan Amendment is specific to the Pleasantview Area, we would recommend that our previous comments as set out in our letter of July 14, 2021 be incorporated into the updated Rural Official Plan through the GRIDS 2 process. TC Energy has been in contact with Policy Planning Staff to ensure same.</p>	<p>Provision 4.23 c) of Zoning By-law 05-200 incorporates a 10 metre setback to the edge of a TransCanada Pipeline right-of-way. This provision will apply to the subject lands once the Pleasant View area is brought into Zoning By-law 05-200.</p> <p>The balance of the comment relate to controlling development adjacent to TC Energy assets and will be dealt with through the comprehensive review of the City's official plan through GRIDSII and the MCR. Staff have ensured that TC Energy's representative were in contact with Policy Planning Staff.</p>
<b>Trans-Northern Pipelines</b>	TNPI has no comments regarding the attached and mentioned area	Noted.
<b>Internal Departmental Comments</b>		
<b>Department</b>	<b>Comment</b>	<b>Response</b>
<b>Forestry &amp; Horticulture Section</b>	No comment or concerns.	Noted
<b>Transporation Planning</b>	No comments.	Noted
<b>Policy Planning</b>	<p><b>RHOPA Text</b></p> <p>Various comments to the proposed RHOPA document to ensure the language and formatting are consistent with other City of Hamilton Rural Hamilton Official Plan documents.</p> <p><b>RHOPA Mapping</b></p> <p>Various comments related to the formatting and laguage used in the proposed mapping to ensure the proposed amendments are consistent with other RHOPA documents.</p>	Formatting and language changes made to RHOPA text and mapping.
<b>Growth Management</b>	No comment.	Noted
<b>Zoning Section</b>	<p>1.The City has undertaken a City-Initiated Zoning By-law Amendment to facilitate the Dundas lands known as the Pleasant View Survey Lands to be placed under the Niagara Escarpment Commissions Development Control Area. The lands are within the boundary of Highway 6 (E), Patterson Road (N), Valley Road / York Road (W) and Cootes Paradise (S).</p> <p>2.An Interim Control By-law was developed under By-law 20-186 and passed September 10, 2020 which set out zoning requirements for legally existing buildings and this was extended for an additional period on August 13, 2021.</p> <p>3.Ontario Regulation 826 was officially amended on September 10, 2021 to include the Pleasant View Lands within Development Control. With this change, the Niagara Escarpment Commission is the approval authority for development in the Pleasant View Lands instead of the City of Hamilton. Zoning By-laws therefore are no longer in effect for this area. On September 29, 2021, the Interim Control By-law for the Pleasant View Lands was repealed to facilitate the changes approved by the NEC.</p> <p>4. The new City-initiated zoning for the Pleasant View Lands will be included in Zoning By-law 05-200, as Special Exceptions. It will be used for reference and guidance for stakeholders including the public, the City and the NEC, but it will not be in effect due to the changes to Ontario Regulation 826 to bring the lands under the NEC's Development Control.</p> <p>5.This by-law change effectively removes the zoning that was previously applied under the former Town of Dundas Zoning By-law.</p>	Noted