



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 15, 2022
SUBJECT/REPORT NO:	Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 Highway 52, 1372 Concession 2 West and 1348 Concession 2 West, Flamborough (PED22020) (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-21-017, by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner)**, to amend the Rural Hamilton Official Plan to established a Special Policy Area within the “Agriculture” designation on the subject lands to recognize a reduced lot area to permit a Consent Application for a lot line adjustment, for the lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “A” attached to Report PED22020 to implement the direction given by Planning Committee on May 18, 2021 (PED21059) on Committee of Adjustment Application FL/B-20:86, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017);

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.

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- (b) That Amended **Zoning By-law Amendment application ZAC-21-040 by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner)**, to change the zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agricultural (A1, 762) Zone, Conservation/Hazard Land-Rural (P7, 762) Zone and Conservation/Hazard Land-Rural (P8, 762) Zone to permit a reduced lot area for lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “C” attached to Report PED22020, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22020, 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 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

On January 21, 2021, the Committee of Adjustment considered Consent Application FL/B-20:86 to permit the conveyance of a 19.2 ha parcel of land at 173 Highway No. 52 and to retain a 1.14 ha parcel containing an existing single detached dwelling. The 19.2 ha parcel would be merged with an abutting vacant parcel of land at 1348 Concession 2 West and 1372 Concession 2 West for agricultural purposes (see Appendix “G” attached to Report PED22020). Although the conveyed parcel would be for agricultural purposes, the retained 1.14 ha parcel would be too small for agricultural purposes and would become a residential lot.

The Committee of Adjustment approved the Consent Application with conditions. The Committee of Adjustment approved the Application for the reasons set out in the decision of the Committee of Adjustment (see Appendix “D” attached to Report PED22020). Two of the conditions issued by the Committee of Adjustment were that the Applicant submit and receive final and binding approval for an Official Plan and Zoning By-law Amendment.

The decision of the Committee of Adjustment was appealed to the Local Planning Appeal Tribunal (LPAT), now the Ontario Land Tribunal, by staff as the Application was interpreted as resulting in the creation of a new residential lot which conflicted with the Greenbelt Plan and Rural Hamilton Official Plan. Staff presented a report to Planning

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Committee on May 18, 2021 (PED21059) requesting direction on how to proceed with the Appeal. Planning Committee directed staff to withdraw the appeal to the LPAT and allow the Committee of Adjustment's Consent decision to stand.

On September 14, 2021 the Owner, Jacob and Cassidy DeJong, applied for an Official Plan and Zoning By-law Amendment to recognize the reduced lot area of both the retained 1.14 ha rural residential lot and the larger 19.2 ha lot to be merged with the adjacent 17.9 ha lot at 1348 Concession 2 West and 1372 Concession 2 West.

The purpose of the Rural Hamilton Official Plan Amendment Application is to establish a special policy area to recognize the reduced lot area of both the retained 1.14 ha rural residential lot at 173 Highway 52 and the larger 19.2 ha lot to be merged with the adjacent 17.9 ha lot at 1348 Concession 2 West and 1372 Concession 2 West.

The purpose of the Zoning By-law Amendment Application is to change the zoning from Agricultural (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agricultural (A1, 762) Zone, Conservation/Hazard Land-Rural (P7, 762) Zone and Conservation/Hazard Land-Rural (P8, 762) Zone to recognize the reduced lot area of both the retained 1.14 ha rural residential lot at 173 Highway 52 and the larger 19.2 ha lot to be merged with the adjacent 17.9 ha lot at 1348 Concession 2 West and 1372 Concession 2 West.

Alternatives for Consideration – See Page 16

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.

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HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Jacob and Cassidy DeJong
File Number:	RHOPA-21-017 and ZAC-21-040
Type of Application:	Rural Hamilton Official Plan Amendment and Zoning By-law Amendment
Proposal:	<ul style="list-style-type: none"> Establish a special policy area to recognize the reduced lot area of both the retained 1.14 ha rural residential lot at 173 Highway 52 and the larger 19.2 ha lot to be merged with the adjacent 17.9 ha lot at 1348 Concession 2 West and 1372 Concession 2 West resulting from Consent Application FL/B-20:86; and, Change the zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agricultural (A1, 762) Zone, Conservation/Hazard Land-Rural (P7, 762) Zone and Conservation/Hazard Land-Rural (P8, 762) Zone to recognize the reduced lot area of both the retained 1.14 ha rural residential lot at 173 Highway 52 and the larger 19.2 ha lot to be merged with the adjacent 17.9 ha lot at 1348 Concession 2 West and 1372 Concession 2 West resulting from Consent Application FL/B-20:86.
Property Details	
Municipal Address:	173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West
Lot Area:	20.34 ha. Proposed retained rural residential Lot at 173 Highway 52 ± 1.14 ha. Proposed severed agricultural parcel at 173 Highway 52 ± 19.2 ha. Combined lot area of severed agricultural parcel at 173 Highway 52 with agricultural lot at 1348 Concession 2 West and 1372 Concession 2 West: ± 37.17 ha.

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Property Details	
Servicing:	The properties are serviced by private services (separate well and septic services).
Existing Use:	Agriculture
Documents	
Provincial Policy Statement (PPS):	The proposal to allow for a lot addition is consistent with the PPS (2020).
Greenbelt Plan:	The proposal to allow for a lot addition conforms to the Greenbelt Plan (2017).
Rural Hamilton Official Plan Existing:	“Agriculture” in Schedule “D” – Rural Land Use Designations
Official Plan Proposed:	Site Specific “Agriculture” designation in order to recognize the reduced lot area for both the retained parcel at 173 Highway 52, Flamborough and the severed parcel to be merged with 1348 Concession 2 and 1372 Concession 2, Flamborough.
Zoning Existing:	Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8)
Zoning Proposed:	Agriculture (A1, 762) Zone, Conservation/Hazard Land-Rural (P7,762) Zone and Conservation/Hazard Land-Rural (P8,762) Zone.
Modifications Proposed:	<p>Modifications requested by the applicant:</p> <ul style="list-style-type: none"> • Notwithstanding Section 12.1.3.1a), for the property known as 173 Highway 52, the minimum lot area shall be 1.14 hectares instead of the required 40.4 hectares; and, • Notwithstanding Section 12.1.3.1a), for the property known as 1348 Concession 2 West and 1372 Concession 2, the minimum lot area shall be 37.17 hectares instead of the required 40.4 hectares. <p>Modifications identified by Planning Staff:</p> <ul style="list-style-type: none"> • Modifications to the P7 and P8 Zones to reflect the reduced lot areas as outlined above.

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Processing Details	
Received:	September 14, 2021
Deemed Complete:	September 20, 2021
Notice of Complete Application:	Sent to nine property owners within 120 metres of the subject property on September 23, 2021.
Public Notice Sign:	Sign Posted: October 4, 2021
Notice of Public Meeting:	Sent to nine property owners within 120 metres of the subject property on January 26, 2022.
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:	One public comment was received on the proposal.
Processing Time:	140 days from the date of receipt of applications.

BACKGROUND

Consent Application FL/B-20:86

The Consent to Sever Application FL/B-20:86 was heard by the Committee of Adjustment on January 21, 2021. The proposal was to sever a 19.2 ha agricultural parcel at 173 Highway No. 52 and retain a 1.14 ha parcel containing an existing dwelling. An existing barn on the retained portion would be demolished. The larger 19.2 ha parcel would be conveyed to the adjacent vacant 17.9 ha lot at 1372 Concession 2 West. The agent for the Applicant advised that the present owners are not farmers and that the adjacent owner at 1372 Concession 2 West desired a larger agricultural parcel for their farming operation.

The Applicant advised that no land would be taken out of agricultural production and no new lots would be created once the two properties were merged. The Committee approved the Application with conditions including a successful Official Plan Amendment to permit the proposed severance and a Zoning By-law Amendment.

Appeal to Local Planning Administrative Tribunal (LPAT)

On February 1, 2021, Planning Division staff filed an appeal to the LPAT on behalf of the Planning and Economic Development Department with the Committee of

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Adjustment decision to approve the Application. The reasons for the appeal are as follows:

- a) The proposed Consent conflicts with the Severance policies of the Greenbelt Plan and the RHOP; and,
- b) The lands to be retained do not comply with the applicable provisions of the Zoning By-law.

May 18, 2021 Planning Committee Meeting

On May 18, 2021, the Planning Committee considered staff's report (PED21059), Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications FL/B-20:86.

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 Amendment in addition to the Zoning By-law Amendment prior to the Consent being approved (see Planning Committee minutes of May 18, 2021 attached as Appendix "D" to Report PED22020).

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Agriculture	Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone

Surrounding Land Uses:

North	Agriculture and single detached dwellings	Agriculture (A1) Zone and Conservation/Hazard Land-Rural (P7) Zone
East	Agriculture and Open Space (Cemetery)	Agriculture (A1) Zone

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Surrounding Land Uses:

West	Open Space (Golf Course)	Open Space (P4) Zone
South	Agriculture, single detached dwellings, Veterinary Clinic and Open Space (Golf Course)	Open Space (P4,131) Zone, Agricultural (A1, 185) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) 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.

- “2.3.4.1 Lot Creation in *prime agricultural areas* is discouraged and may only be permitted for:
- a) *Agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
 - b) *Agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
 - c) *A residence surplus to a farming operation* as a result of farm consolidation, provided that:
 - i) The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and,

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- ii) The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and,
 - d) *Infrastructure*, where the facility or corridor cannot be accommodated through the use of easement or rights-of-way;
- 2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for legal or technical reasons; and,
- 2.3.4.3 The creation of new residential lots *in prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).”

The subject lands are located within a prime agricultural area. The Consent Application will result in the existing undersized agricultural lot at 173 Highway 52 being further reduced in size so that it would function as a residential lot. However, the proposed severance constitutes a lot adjustment under the Provincial Policy Statement as no new lot would be created.

The Rural Hamilton Official Plan and Zoning By-law Amendment Applications can be supported as 173 Highway 52 is currently undersized at 20.34 ha, of which only approximately 8.6 ha can be farmed due to the woodlot on the property, which is not large enough to sustain a commercially viable farm operation. Conveyance of these lands to the agricultural lot at 1348 Concession 2 West and 1372 Concession 2 West would result in a ± 37.17 ha agricultural lot which is suitable size for a commercial farm operation.

Therefore, based on the above, the proposal is consistent with the Provincial Policy Statement.

Greenbelt Plan (2017)

The lands are designated “Protected Countryside” in the Greenbelt Plan. The following policies of the Greenbelt Plan, amongst others, apply to the proposal.

“4.6 Lot Creation

1. Lot creation is discouraged and may only be permitted for:

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- e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.”

By virtue of Council’s direction to withdraw the appeal on the basis that it was considered lot creation under the Greenbelt Plan and the Rural Hamilton Official Plan, Council has accepted the proposal to be a lot addition under the Greenbelt Plan and the Rural Hamilton Official Plan. The severance will not result in increased fragmentation of key natural heritage features or key hydrological features. Therefore, based on the above, the proposal conforms to the Greenbelt Plan.

Rural Hamilton Official Plan (RHOP)

The subject lands are designated as “Agriculture” in Schedule D - Rural Land Use Designations. The following policies, amongst others, apply to the proposal.

Residential Development – Severance Policies

“F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

- a) Severances that create a new lot for the following purposes shall be prohibited:
 - i) Residential uses except in accordance with:
 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a *farm consolidation*; and,
 - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed;

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- d) All proposed lot additions shall:
- i. Comply with the policies of this Plan including rural settlement area plans where one exists;
 - ii. Be compatible with and not hinder surrounding agricultural operations;
 - iii. Conform to the Zoning By-law;
 - iv. Only be permitted when both lots will retain frontage on a public road; and,
 - v. Meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of Application, except as permitted in F.1.14.2.7 d);

F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) For lands within the Agriculture designation where the *lot addition* is for *agricultural uses*, the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres); and,
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.”

Council’s direction to withdraw the appeal was based on the Application not being considered lot creation under the Greenbelt Plan and the Rural Hamilton Official Plan. Council has accepted the proposal to be a lot addition under the Greenbelt Plan and the Rural Hamilton Official Plan. Therefore, policy F.1.14.2.1 a) does not apply. The Consent generally conforms to the policies respecting lot additions with the exception of meeting the minimum lot size for agricultural uses within the RHOP and Zoning By-law of 40.4 ha which the Applicant proposes to address through these applications. Staff note that 1.14 hectare retained lot at 173 Highway 52 would be considered a residential lot under the RHOP.

With respect to the other RHOP lot addition policies, staff are satisfied that:

- The proposal is compatible with and will not hinder surrounding agricultural operations;
- Both the severed and retained lots retain frontage on a public road; and,

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- The retained lot is a sufficient size to accommodate private waste and wastewater services.

Staff note that a condition of the Consent Application is that owner merge the severed agricultural lot with the vacant agricultural lot at 1348 Concession 2 West and 1372 Concession 2 West.

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)

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- 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 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.”

As the retained lot will be greater than 1.0 ha, it would meet the sustainable servicing policies of the RHOP, subject to the Applicant satisfying Consent Application FL/B-

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20:86 conditions requiring the Applicant to provide evidence that the existing septic system on the retained lands complies with all applicable requirements under the Ontario Building Code.

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

The subject lands are currently 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. Permitted uses under the Agriculture (A1) Zone include Agriculture and a Single Detached Dwelling. Section 12.1.3.1 a) of the Zoning By-law establishes a Minimum Lot Area of 40.4 ha.

The purpose of the Zoning By-law Amendment is to add a site specific exception to the Agriculture (A1) Zone, Conservation/Hazard Land - Rural (P7) Zone and Conservation/Hazard Land - Rural (P8) Zone to recognize the reduced lot area of 1.14 ha for the retained lot at 173 Highway 52 and the reduced lot area of the severed lot to be merged with 1348 Concession 2 West and 1372 Concession 2 of 37.17 ha. The Applicant is not proposing to adjust the boundaries of the Conservation/Hazard Land - Rural (P7) Zone and Conservation/Hazard Land - Rural (P8) Zone.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Asset Management, Strategic Planning, Public Works Department; Recreation Division, Healthy and Safe Communities Department; Forestry and Horticulture Division, Public Works Department; Legislative Approvals, Growth Management Department Canada Post; and, Grand River Conservation Authority. 		No comment or objection
	Comment	Staff Response
Development Engineering Approvals, Planning and Economic Development Department	<ul style="list-style-type: none"> 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; Given the retained lot will be greater than 1.0 ha in area, it would meet the sustainable servicing policies of the Rural Hamilton Official Plan and as a result, we can support the Application. 	<ul style="list-style-type: none"> Noted

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	Comment	Staff Response
Development Engineering Approvals, Planning and Economic Development Department Continued.	<ul style="list-style-type: none"> If not already satisfied, we would recommend that Building Division confirm the proposed severance meets minimum clearance distances of Part 8 of the Ontario Building Code as it pertains to the septic system on the retained lot. 	
Public Consultation:		
Consistency	One resident requested that future rural severance applications be consistently reviewed and evaluated by the City of Hamilton.	<ul style="list-style-type: none"> Noted

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 nine property owners within 120 metres of the subject property on September 20, 2021. A Public Notice sign was posted on the property on October 4, 2021 and updated with the public meeting date on January 25, 2022. Finally, Notice of the Public Meeting was mailed to nine property owners within 120 metres of the subject lands on January 25, 2022.

To date, one public comment was received as a result of the circulation and is discussed in further detail in the chart above and attached as Appendix “E” to Report PED22020.

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. Council directed that staff withdraw the appeal on the basis that the Application was for a lot addition under the Rural Hamilton Official Plan. As such, Council was satisfied that the proposal was consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017); and complies with the general intent and purpose of the Rural Hamilton Official Plan, subject to the recommended Official Plan Amendment; and,

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- ii. 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 add a site-specific policy area to the subject lands in order to permit a minimum lot area of 1.14 ha for the retained lands at 173 Highway 52 and a minimum lot area of 37.17 ha of the severed lot to be merged with 1348 Concession 2 West and 1372 Concession 2;

The amendments will implement the direction given by the Planning Committee on May 18, 2021 and to allow for the implementation of the January 21, 2021 Committee of Adjustment approval of the proposed severance;

- 3) The Consent generally conforms to the Rural Hamilton Official Plan policies respecting lot additions in that:
- The proposal is compatible with and will not hinder surrounding agricultural operations;
 - Both the severed and retained lots retain frontage on a public road; and,
 - The retained lot is a sufficient size to accommodate private waste and wastewater services;
- 4) The proposed Zoning By-law Amendment will add a site specific exception to the 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 to recognize the reduced lot area of 1.14 ha for the retained lot at 173 Highway 52 and the reduced lot area of the severed lot to be merged with 1348 Concession 2 West and 1372 Concession 2 of 37.17 ha. The requested modifications have merit as the proposal will not hinder surrounding agricultural operations and the minimum lot area can be sustainably serviced.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment be denied the applicant would not be able to fulfil the conditions of the approved Consent Applications FL/B-20:86 and the proposed lot adjustment could not proceed.

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.

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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.

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Official Plan Amendment

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

Appendix "D" – Notice of Decision for FL/B-20:86

Appendix "E" – Public Comments

Appendix "F" – Applicant's Sketch

CT:sd