



Hamilton

City of Hamilton, City Hall
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Growth Management, Growth Planning Section
Physical Address: 71 Main Street West, 6th Floor
Phone: 905-546-2424 x 2978 Fax: 905-540-5611

December 24, 2021

P & L Livestock Ltd.
c/o: Dave Pitblado
4450 Paletta Court
Burlington, ON, L7L 5R2
(via E-mail: dpitblado@pentaproperties.ca)

Re: Site Alteration Application for 2330 Guyatt Road (Glanbrook) File No. 2021
144589 000 00 PF

Dear Dave,

In review of your application to stockpile fill for the purpose replenishing lands for sod farming, we wish to advise that the application has been **DENIED** due to the following reasons:

In particular, based on the information provided and existing site condition, it is noted that the proposal does not constitute a "Normal Farm Practice" as defined by City of Hamilton By-law No. 19-286.

In review of Section 6(1) of City of Hamilton By-law No. 19-286, the proposed stockpile fails to meet the criteria listed. In particular, that any such stockpiles:

- (a) are used, depleted and refreshed on a continuous basis during periods when the stockpiles are actively in use in the agricultural or commercial operation;
- (b) are removed and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation; and
- (c) no stockpile remains substantially unchanged for longer than 6 months.

Furthermore, per the Criteria under Section 11(4) of City of Hamilton By-law No. 19-286, staff note that as this is deemed not to be a required "Normal Farm Practice", the proposal fails to satisfy the following:

- (a) whether the primary use of the site is the depositing of fill on the site;

In the absence of this being a required and approved "Normal Farm Practice" the use of the proposed stockpile would not constitute an agricultural purpose.

- (b) whether the proposed site alteration is necessary for the purpose identified in the application;

Similarly, as this is deemed not to be a required and approved "Normal Farm Practice" it does not satisfy the proposed purpose noted in the application.

- (c) whether the proposed site alteration is part of a normal farm practice;

As mentioned above, in accordance with the peer review, staff are of the opinion that the proposed site alteration does not meet the definition of a "Normal Farm Practice", as defined by Site Alteration By-law No. 19-286. In particular the site and farm are well drained and any 'low lying areas' are natural floodplains from the twenty mile creek which are not to be altered without conservation authority approvals. There is no evidence that top soil rehabilitation or spreading across this property is required.

- (d) whether the proposed site alteration is likely to be completed within the term of the site alteration permit;

Based on the details and information received, it is noted that per Section 6, the proposed timelines and use of the stockpile fail to satisfy the terms that govern stockpiles as prescribed under Site Alteration By-law No. 19-286

- (o) the final grading and rehabilitation plans for the site; and,

As the proposed stockpile is deemed not to be a required and approved "Normal Farm Practice" there is no evidence that top soil rehabilitation or spreading across this property is required and thus final conditions, grading and rehabilitation of the site is deemed unsatisfactory.

Of note, per Section 18 of the By-law, the applicant may appeal this refusal to the Planning Committee or any successor Committee by requesting an appeal in writing to the Clerk within 30 days of being notified of the refusal.

Accordingly, it should be noted that the existing Order to Comply remains in place, and and it is therefore requested that **all fill stockpiles be removed**. As a reminder, per the Ministry regulations and guidelines the generator of excess soils is responsible for ensuring an approved receiver site, and in accordance with City of Hamilton Site Alteration By-law No. 19-286.

Should you have any questions or concerns with the above submission, please do not hesitate to contact me at the undersigned.

Sincerely,



Alvin Chan, BES, MCIP, RPP
Manager, Legislative Approvals/Staging of Development
Growth Management Division, Planning and Economic Development Department
71 Main Street West, 6th Floor, Hamilton, ON, L8P 4Y5
905-546-2424 Ext 2978
Alvin.chan@hamilton.ca

cc: Rob Lalli, Acting Manager, Construction, Growth Management
Carlo Ammendolia, Manager, Construction, Growth Management
Gavin Norman, Acting Director, Growth Management
Councillor Brenda Johnson, Ward 11
Jason Thorne, General Manager, Planning and Economic Development
Monica Ciriello, Director, Licensing and By-law Services
Kelly Beaton, Acting Manager Service Delivery, Municipal Law Enforcement
Kim Coombs, Manager, Municipal Law Enforcement