

SUMMARY OF POLICY REVIEW

The following policies, amongst others, apply to the proposal.

Rural Hamilton Official Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Tree and Woodland Protection</p> <p>Policy C.2.10.1</p>	<p>The proposal complies with this policy.</p> <p>The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.</p>	<p>A Tree Protection Plan (TPP) prepared by Adesso Design Inc. dated June 10, 2022 was submitted in support of this application. The TPP proposes to remove two existing private trees of the inventoried five private trees, a Norway Maple and Black Locust, both of which are in good condition. They are required to be removed to accommodate the necessary site grading to facilitate the development of a single detached dwelling on the subject lands.</p> <p>A Landscape Plan prepared by Adesso Design Inc. dated March 20, 2023 identifies three trees to be planted by the City within the municipal right-of-way. Staff are satisfied that the proposal provides a 1:1 tree compensation, as set out in the City’s Tree Protection Guidelines (2010).</p>
<p>Cultural Heritage</p> <p>Policy B.3.4.1.3 and B.3.4.2.1 h)</p>	<p>All new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all onsite or adjacent cultural heritage resources.</p> <p>The City of Hamilton shall, in partnership with others where appropriate, conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas.</p>	<p>The subject lands located within the Freelon Cultural Heritage Landscape, a Historic Settlement Area.</p> <p>The Applicant has submitted a scoped Cultural Heritage Impact Assessment prepared by MB1 Development Consultants Inc. dated December 2022. Staff are satisfied that the building massing, exterior building finishes and colours maintain compatibility with the surrounding single detached dwellings.</p>

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<p>Noise, Vibration and Other Emissions</p> <p>Policy B.3.6.3.2 and B.3.6.3.10</p>	<p>The proposal complies with these policies.</p> <p>Development of noise sensitive uses in the vicinity of provincial highways, arterial roads, etc. shall comply with all applicable provincial and municipal guidelines and standards. The noise study shall demonstrate that predicted noise criteria between 55-60 dBA can be maintained for outdoor living areas. Otherwise, noise migration measures are required to reduce predicted sound levels.</p>	<p>The subject lands are adjacent to Highway No. 6, which are identified as a “Provincial Highway” on Schedule “C” – Rural Functional Road Classification in the Rural Hamilton Official Plan.</p> <p>A Noise Impact Study prepared by GTA Environmental dated November 7, 2021, identified that a solid wood fence is required as a noise control measure to mitigate the predicted road traffic noise from Highway No. 6.</p>
<p>Servicing</p> <p>C.5.1.1 d), e), f) and g)</p>	<p>New development (new land use or building replacement an existing lot) shall only be permitted where requirements of the sustainable private servicing policies of the Rural Hamilton Official Plan are met.</p> <p>The sustainable private servicing policies require that the soils and lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact. Acceptable private servicing systems to reduce water quality and quality impacts include cistern system, reserve discharge site or leaching bed, etc. but shall not include sewage disposal holding tank.</p> <p>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.</p>	<p>It should be noted that Zoning By-law Amendment application ZAR-22-004 predates City Council approval of staff report PW20082(a)/PED23047, which prohibits the use of tertiary systems to provide private wastewater treatment in rural area until such time as the Province comprehensively regulates their use. Staff have been working with the applicant since late 2021 on potential solutions to service the existing lot of record in a manner that maintains the groundwater quality for surrounding well owners.</p> <p>The Applicant submitted a Wastewater Servicing Assessment prepared by FlowSpec Engineering Ltd. dated May 9, 2022 to demonstrate that the existing subsurface conditions and the proposed sewage disposal system can accommodate the residential use with no adverse off-site impacts. The report findings determined the proposed use to be a less intensive use compared to the former institutional use based on the peak wastewater flows. Staff recommend that any development of the subject lands include a Class 6 Tertiary Wastewater Treatment System and connection to the Freelon Municipal Drinking Water System to permit the single detached dwelling.</p>

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<p>Servicing (Continued)</p> <p>C.5.1.1 d), e), f) and g)</p>	<p>The existing or proposed wastewater system shall not include a sewage disposal holding tank.</p> <p>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.</p>	<p>The Applicant submitted Well Sampling Results prepared by MTE Consultants Inc. dated September 15, 2022 to compare the domestic water wells against the Ontario Drinking Water Quality Standard (ODWQS).</p> <p>The well sampling program determined an above standard nitrate level at 1806 Brock Road that exceeds the ODWQS limit of 10 mg/L.</p> <p>Staff recommend that a Holding Provision be applied to the subject lands to ensure the Applicant applies for a Building Permit showing a connection to the municipal water system and the installation of a Class 6 Tertiary wastewater treatment system. In addition, the Applicant is required to enter into, and have registered on title, a development agreement with the City of Hamilton to install and properly maintain the tertiary treatment septic system, in order to function as designed, to the satisfaction of the Director of Development Planning, Director of Hamilton Water, and City Solicitor.</p> <p>Source Water Protection staff are satisfied that the private sewage treatment system is capable of sustaining the residential use within acceptable levels subject to the Owner connecting to the existing 200 mm municipal water main on Louisa Street (Freelton Municipal Drinking Water System), and that the Applicant install a Class 6 tertiary wastewater treatment system to service the proposed single detached dwelling.</p>

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<p>Servicing (continued)</p> <p>C.5.1.1 d), e), f) and g)</p>		<p>Staff recommend that a Holding Provision is applied to 12 Louisa Street, as shown on Appendix “B” to Report PED23208, to require the owner(s) to connect to the Freelton Municipal Drinking Water System. The Holding Provision may be lifted through a separate Zoning By-law Amendment once the owner applies for a building permit to construct the single detached dwelling proposing a connection to the municipal water system and installation of a Class 6 Tertiary Wastewater Treatment System to service the subject lands and enters into a development agreement with the City of Hamilton, to be registered on title, to install and properly maintain the tertiary treatment septic system, in order to function as designed.</p>
<p>General Policies (Volume2)</p> <p>A.1.2.4, Volume 2</p>	<p>Rural Settlement Areas shall be of a height, density, lot area and nature compatible with the existing built environment.</p> <p>All development shall be required to obtain City approval for servicing and shall be serviced in accordance Sustainable Private Water and Wastewater Services of Volume 1 of this Plan, and in no case shall a proposed new lot be less than one acre; and (OPA 26).</p>	<p>The proposal is compatible with the built environment as the density, height and lot area of the proposed single detached dwelling intends to maintain the established character of the Freelton Rural Settlement Area.</p> <p>The proposal intends to meet the Sustainable Servicing Policies in the Rural Hamilton Official Plan as adequate wastewater servicing is demonstrated through the Applicant’s submitted Onsite Wastewater Servicing Assessment and Well Sampling Results. The finding of the technical reports determined the proposal may address the above standard nitrate levels in the domestic water wells through the connection to the existing municipal water main on Louisa Street and installation of an appropriate sewage disposal system. Staff note the 0.2 hectare parcel is an existing lot, and therefore not subject to the minimum 1 acre lot size required under Rural Hamilton Official Plan policy A.1.2.4 (b).</p>

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Settlement Residential A.1.3.1, Volume 2	On lands designated "Settlement Residential", residential uses are limited to single detached dwellings, small scale residential care facilities, and small scale institutional uses, subject to the policies of the Official Plan. (OPA 26)	The proposal is consistent with the permitted uses under the "Settlement Residential" designation of the Freelton Rural Settlement Area Plan. Staff find that the proposal is appropriate and is a more compatible use than the small scale institutional land use that formerly occupied the property, and as noted above, technical studies support the proposed land use.