



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	FL/B-23:81	SUBJECT PROPERTY:	2405 Highway No. 5. W., Flamborough
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APPLICANTS: Owner: Lammert & Gretha Koonstra
 Agent: Ruchika Angrish
 Applicant: Victoria May & Greg Royce

PURPOSE & EFFECT: To permit the conveyance of surplus farm dwelling and to retain a parcel of land for agricultural purposes. All existing structures to remain.

	Frontage	Depth	Area
SEVERED LANDS:	68.07 m [±]	126.72 m [±]	0.85 m ² [±]
RETAINED LANDS:	336.5 m [±]	1,510 m [±]	55.8 m ² [±]

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

DATE:	Thursday, January 18, 2024
TIME:	10:40 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment

FL/B-23:81

- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

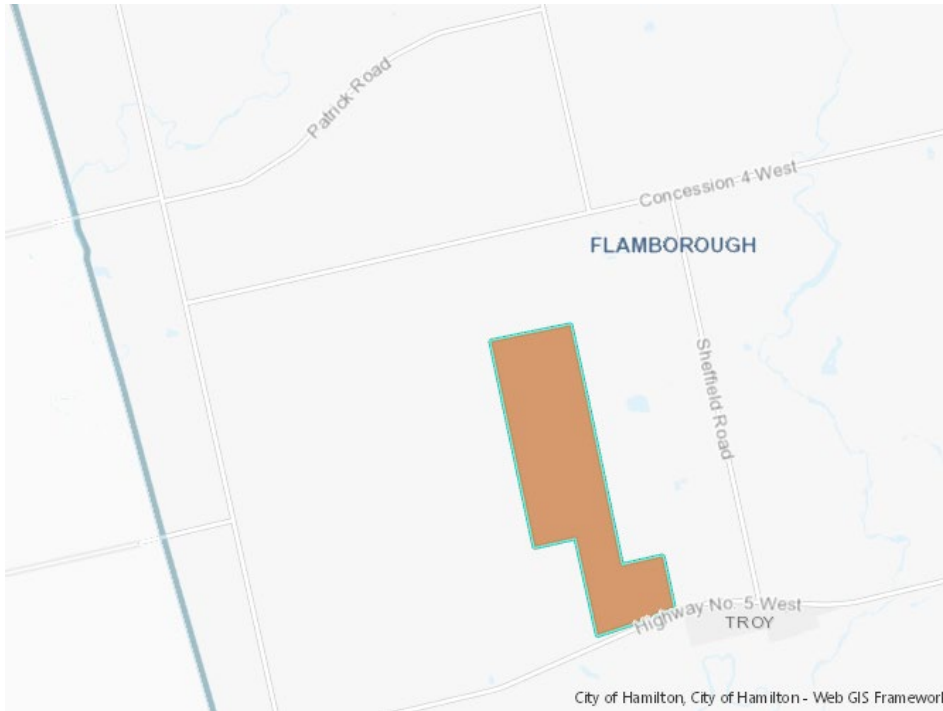
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/B-23:81, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 Subject Lands

DATED: January 2, 2024


Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

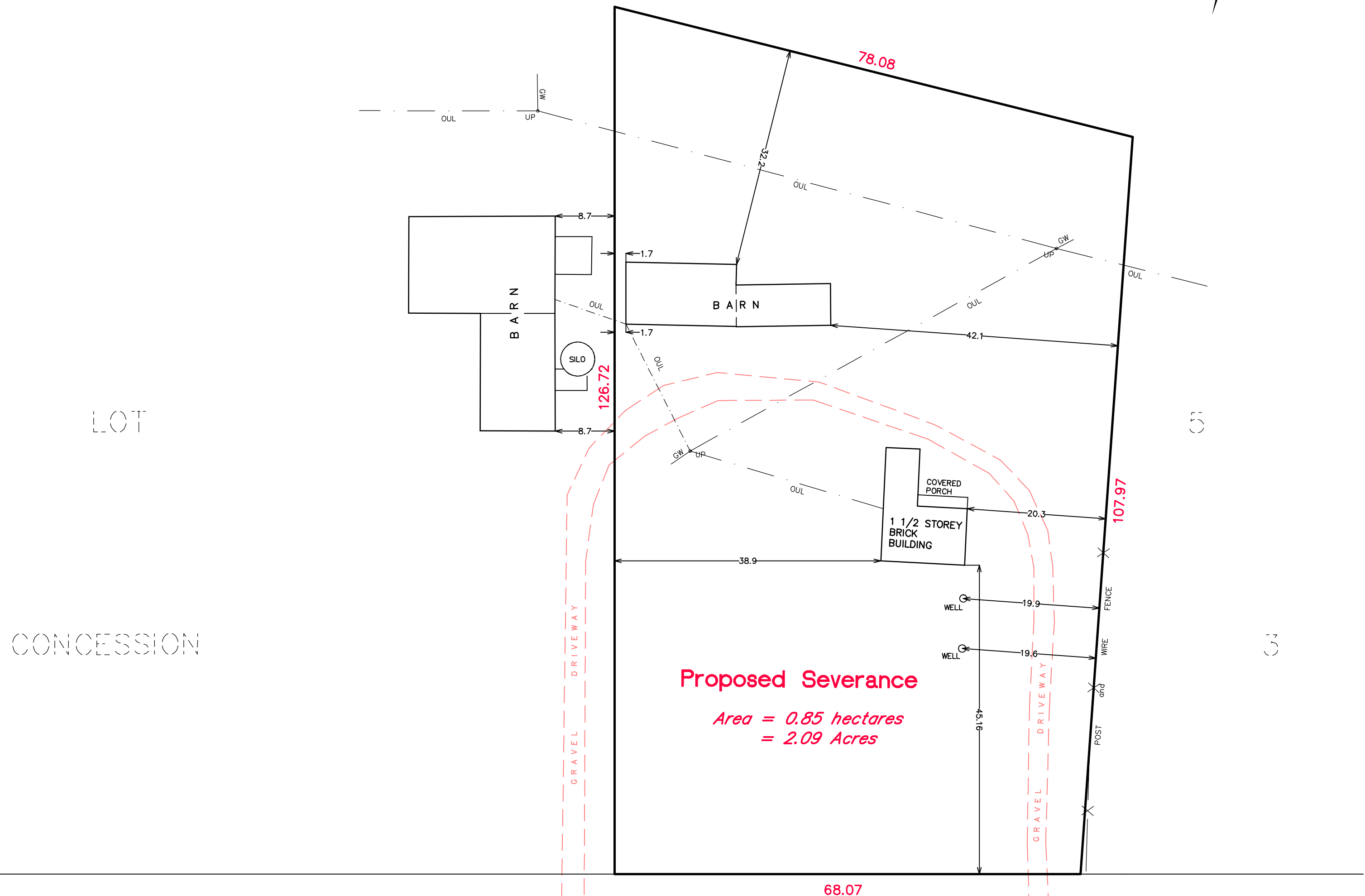
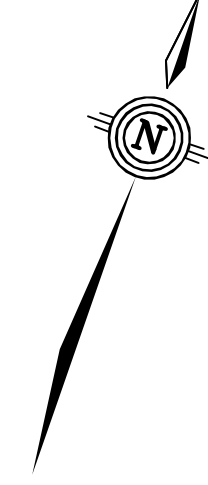
If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SKETCH OF PROPOSED SEVERANCE

SCALE - 1 : 500


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KNOWN AS HIGHWAY No. 5 WEST

(TRANSFERRED BY ORDER IN COUNCIL O.C. 2164/98 . INSTRUMENT LT525931)
 (DESIGNATED BY DEPOSITED PLAN 396 . MISC P-1750-5)

PART 1, PLAN 62R-2163G
 SIB(1889)

LOT 5 CONCESSION 3

DHO (No. 60) CONCRETE MONUMENT

DRAFT COPY
(subject to change)

LEGEND

□	DENOTES	SET MONUMENT
■	•	FOUND MONUMENT
IB	•	IRON BAR
IB#	•	ROUND IRON BAR
SIB	•	STANDARD IRON BAR
SSIB	•	SHORT STANDARD IRON BAR
UP	•	UTILITY POLE
GW	•	GUY WIRE
OUL	•	OVERHEAD UTILITY LINE

GEOGRAPHIC INFORMATION:

PART OF LOT 5, CONCESSION 3
 GEOGRAPHIC TOWNSHIP OF BEVERLY
 CITY OF HAMILTON


CAUTION :

UNDERGROUND SERVICES TO BE LOCATED BY CONTRACTOR/OWNER PRIOR TO ANY EXCAVATION.
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
 THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTE:

SKETCH IS AN ORIGINAL, IF EMBOSSED BY THE SURVEYOR'S SEAL, OR CERTIFIED ELECTRONIC PDF VERSION.
 THIS PLAN HAS BEEN COMPILED FROM FIELD MEASUREMENTS and FROM PREVIOUS RECORDS.

Date: 22 September, 2023.

	WEST & RUUSKA LTD.		
	Land Surveyors		
17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6		Telephone (519)752-8641	
DRAWN BY: Ted S. KUTYLA, CST, CET		k230146	

Severance Sketch

Retained

Severed

SHEEPFIELD RD

TROY RD

HWY 5W



Subject Lands with Dimensions



+/- 415m

+/- 1,038m

+/- 212m

+/- 487m

+/- 1,203m

+/- 212m

+/- 270m

+/- 415m

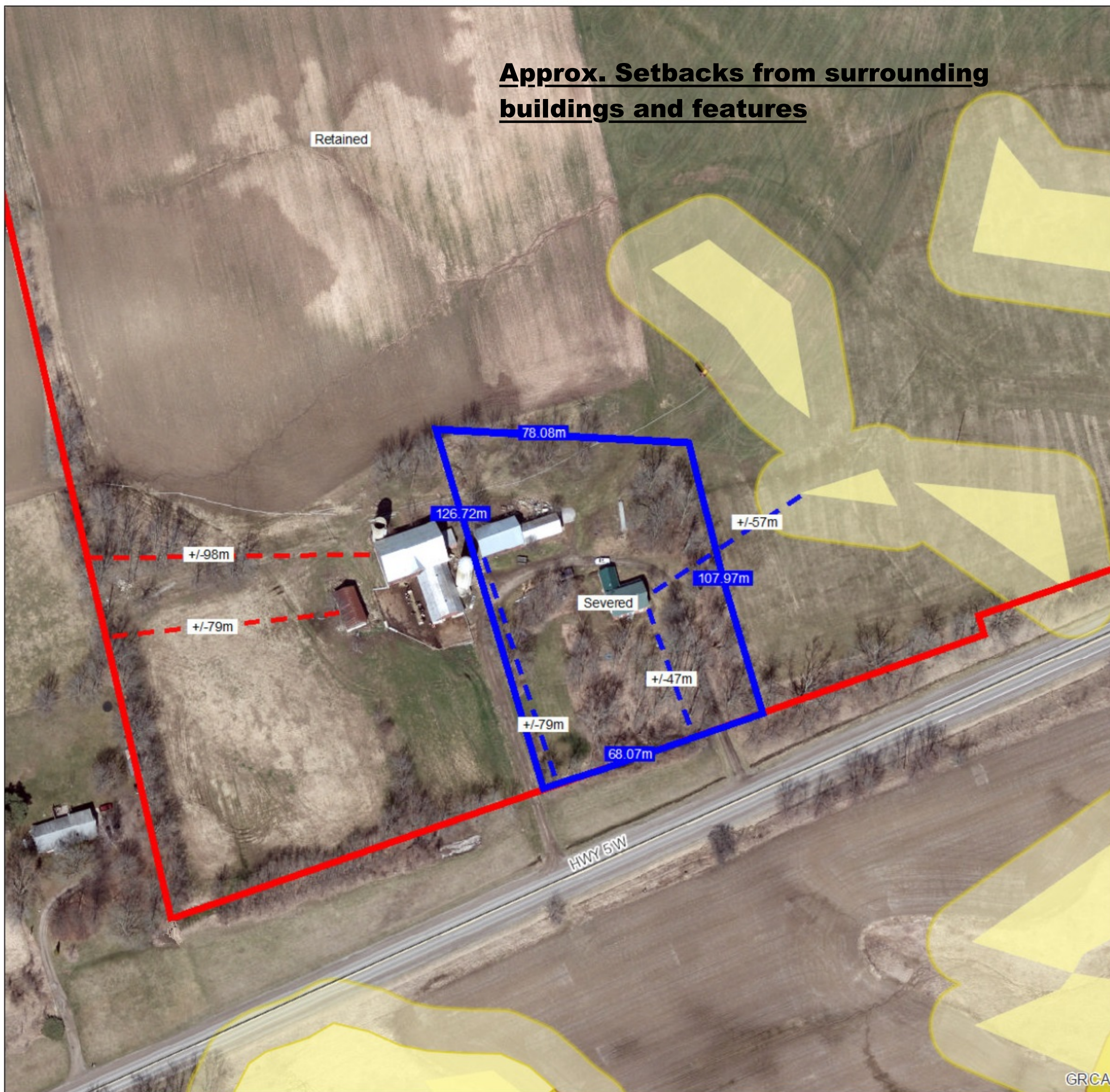
SHEFFIELD RD

TROY RD

HWY 5W



Approx. Setbacks from surrounding buildings and features

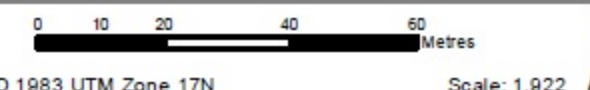


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





THE ANGRISH GROUP

156 Charing Cross Street, Brantford, ON, N3R 2J4

Planning Justification Report

2405 Highway #5 West, Flamborough

Prepared For: Victoria May & Greg Royce

Prepared By: The Angrish Group

November 2, 2023

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1. Introduction

The Planning Justification Report has been prepared by The Angrish Group in support of a Consent Application required for the development of the lands. The report has been prepared on behalf of Victoria May and Greg Royce, applicants on behalf of the owners of the property (Lammert Koonstra and Gretha Koonstra) municipally known as 2405 Highway #5 West, Flamborough.

The report outlines a request for a surplus farm dwelling severance on the existing agricultural property and to put a restricted covenant on agricultural lands to ensure no future residential uses can be built on the retained lands. The owners will grant a restrictive covenant in favour of the City and the farm parcel will be zoned by the City to prohibit the construction of any dwelling unit. Minimum Distance Separation and Barn Livestock Capability reports have been created by Soil Solutions Plus and will be submitted within this file.

The PJR will provide an analysis of the provincial and municipal planning framework and provide a professional planning opinion related to the proposed Consent Application.

2. Location and Description

The subject lands are described as Part Lots 4 and 5, Concession 3, former Municipality Flamborough and are located at 2405 Highway #5 West, Flamborough.

The property is approximately 57.5 hectares (+/-142 acres) in size, with a frontage of around 403 meters (+/-1,322.9 feet) on Highway # 5 West.

The subject lands contain a single dwelling house, two (2) barns, one (1) silo, and one (1) shed. The two barns are not active and currently are just used to hold farm equipment and personal storage.

The house is one storey and has an area of approximately 1,500 square meters, and the barn is one storey with approximately 2,400 square meters.

The immediate surrounding area consists of large agricultural parcels with farm dwellings and farm related structures. The lands are located approximately 5 KM to the east of Village of St. George.

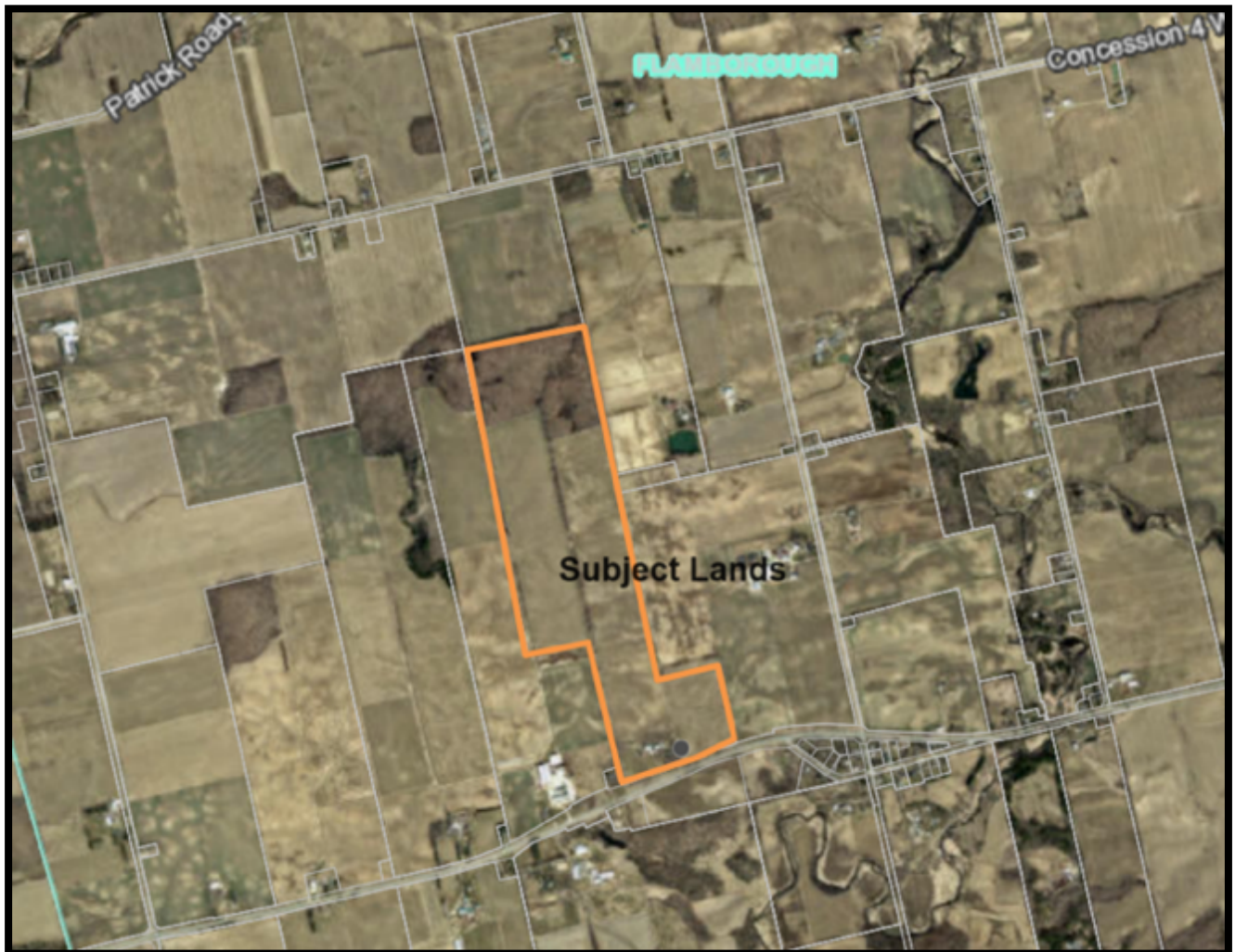
The single detached dwelling on the subject lands is over 100 years old and is labeled "Inventoried Properties" within the heritage mapping system of the City of Hamilton - meaning they have been surveyed for being historical interest, but currently have no database or legal status.

The dwelling is being rented out by the owner to the applicants and is currently being resided in. Photos and further information regarding the condition of this dwelling are located within the proposal section of this report.

The subject lands are currently serviced by private well and septic system.

Map 1 show the location of the property and Map 2 depicts the surrounding land uses noting significant agricultural area in the vicinity of the property.

Map 1: Location of Subject Lands



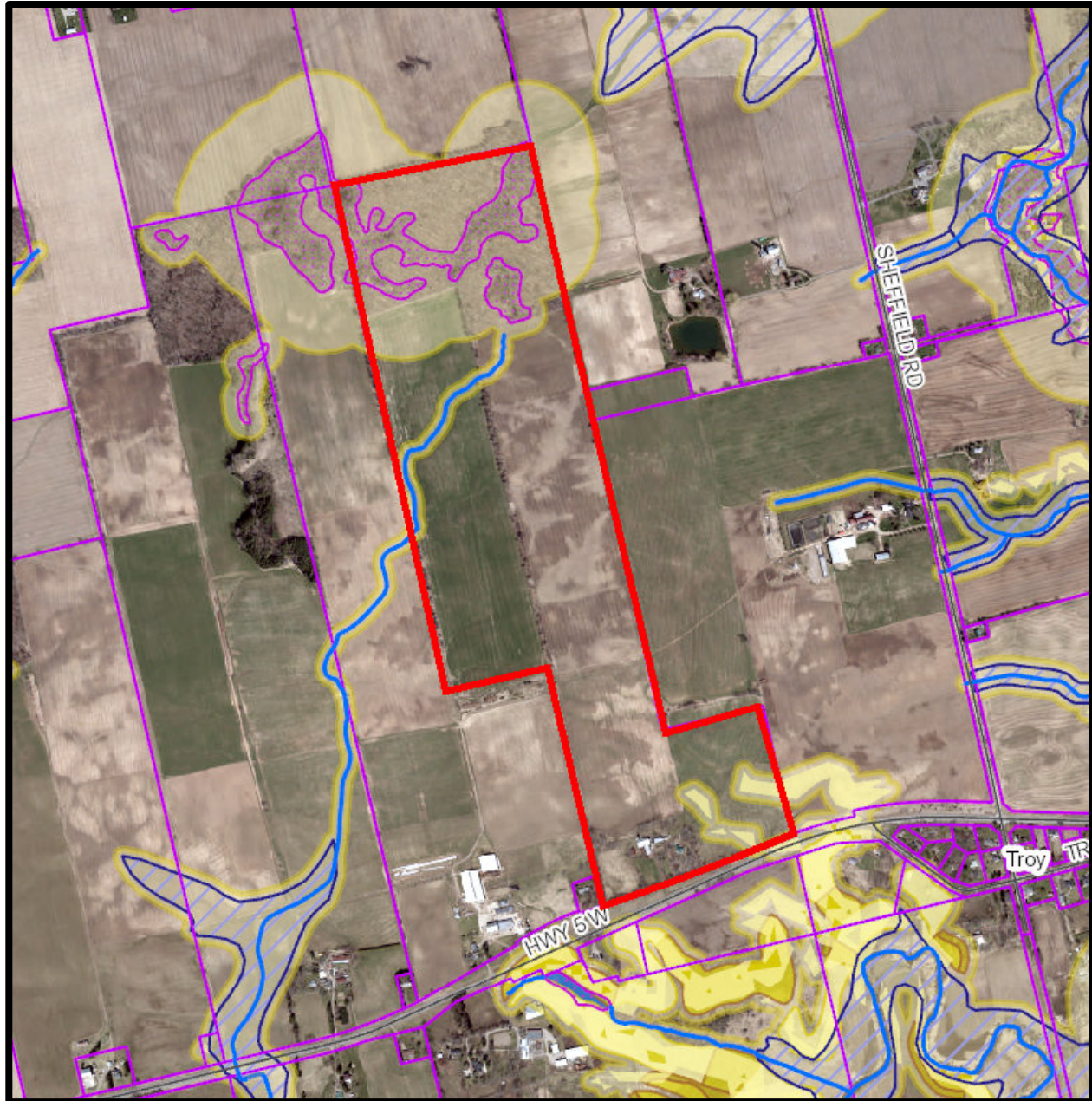
Map 2: Location of Subject Lands- Zoomed Out



The subject lands contain a wetland and small watercourse to the north side of the farm and slight slopes on the south-side of the property. The lands are regulated by Grand River Conservation Authority due to the presence of natural features.

Map 3 shows an excerpt from Grand River Conservation Authority regulation mapping.

Map 3: GRCA Regulation Mapping



3. Proposal

The property is currently zoned Agricultural (A1) and Conservation/Hazard Land (P6) in the City of Hamilton Comprehensive Zoning By-Law 05-200. The proposal is to sever the existing single detached dwelling and the barn located closest to the east of the property as a surplus farm dwelling severance, as the dwelling is no longer needed by the owner of the farm. A Restrictive Covenant is proposed to be granted in favour of the City for the

retained parcel so no new dwellings can be constructed on the lands. The City will amend the zoning of the retained lands via a housekeeping zoning amendment to restrict residential uses on the retained lands.

The severed parcel will be approximately 0.85 hectares (2.09 acres) in size with a frontage of approximately 68.07 meters on Highway #5. The retained lands will be approximately 55.8 hectares (138 acres) with a frontage of approximately 133-meters on the west side and 199-meter frontage on the east side of Highway #5, which will be continued to be used for agricultural purposes.

The owners of the subject lands own and farms multiple properties in the area including adjacent to these lands.

Natural Heritage features are present on the northern portion of the subject lands and adjacent to the west of the lands are woodlots and wetlands. They are identified as Rural Conservation/Hazard Lands (P6) within Hamilton's Zoning By-Law 05-200. The severed lands will be a minimum of 830 meters away from the natural heritage features on the property.

The dwelling located on 2405 Highway #5 is serviced by septic system and well water, which will be fully contained on the severed parcel as depicted on Map 4 - Proposed Site Plan..

The dwelling is over 100 years old; and is still habitable – the applicant has resided at the subject lands for over four (4) years. Attached are multiple photos of the existing house – and how it currently stands to evidently prove that the house is in a good state and is habitable. The barn is accessory to the dwelling and used for storage purposes only.

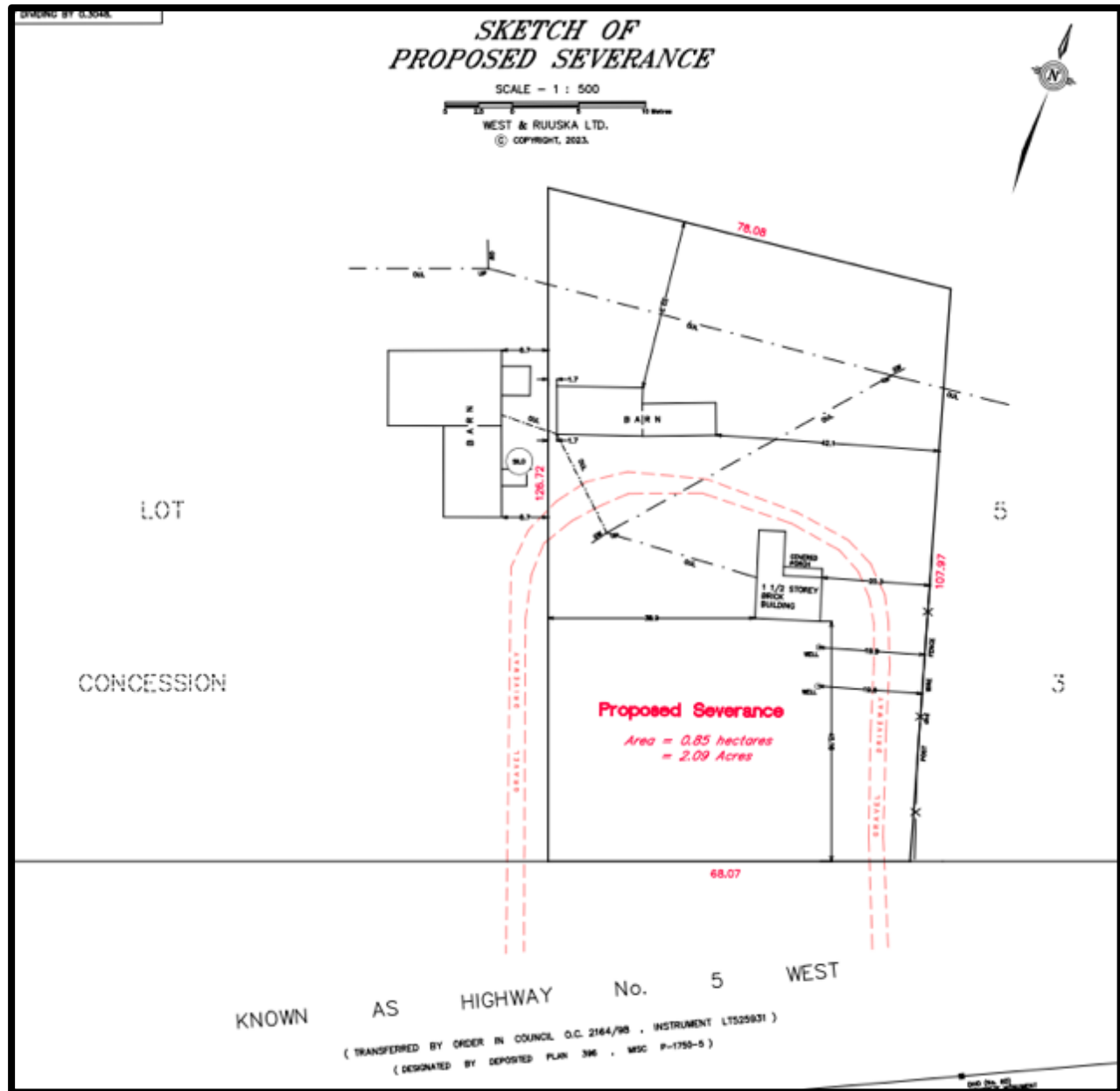
Dwelling Photos No.1



Dwelling Photos No.2



Map 4: Proposed Site Plan



A barn livestock capability report has been attached with the final submission as well. A Minimum Distance Separation (MDS) Report has also been included as part of the submission. The subject property is in proximity to four livestock operations that were visited by Soil Solutions Plus. The MDS report concludes that the proposed severance does not conflict with the required MDS Setbacks and will not create any issues with the surrounding livestock operations.

4. The Policy Context

The applications are subject to the provisions of the Planning Act, as amended. All Planning Act applications are evaluated to ensure that the proposal is consistent with the Provincial Policy Statement (2020), conforms with the policies of the Greenbelt Plan (2005), conform to the Growth Plan for the Greater Golden Horseshoe (2020) and is in conformity with the municipal Official Plan. This section demonstrates that the proposed Consent Application is consistent with, and conform to, the applicable provincial and local planning policy framework.

4.1. Planning Act

The Planning Act provides the legislative framework for land use planning in Ontario. The applicable sections of the Planning Act that apply to this application are as follows:

Section 2 - The Minister, the council of a municipality, a local board, a planning board, and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features, and functions;
- (b) the protection of the agricultural resources of the Province;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest;

Section 3 Requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 Allows for amendments to the Zoning By-Law.

Section 53 Allows for Consent to sever.

The proposed Consent Application aligns with the framework and interests of the Planning Act by protecting the prime agricultural uses in the City. The proposal does not create any new residential uses in agricultural areas as prohibitions will be in place through a Restrictive Covenant for construction of any dwelling units on the retained lands. The new lot lines do not conflict with the existing buildings on subject lands and ensure no negative impact on the existing cultural resource. No changes to the

dwelling are proposed. The natural heritage features on the subject lands remain protected on the retained farm.

It is my professional opinion that the proposed application complies with the direction and regulations of the Planning Act.

4.2. Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) is issued in accordance with Section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” the PPS.

The PPS provides policy direction on matters of provincial interest related to land use planning and development in Ontario and sets the policy foundation for regulating the development and use of land. The PPS encourages efficient development patterns that support sustainability by promoting strong, livable, healthy, and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. The wise use and management of natural heritage resources, water resources, agricultural resources, mineral resources, and cultural heritage and archaeological resources over the long term is a key provincial interest.

2.0 of the Provincial Policy Statement’s intent is to ensure Ontario’s wise use and management of resources for long-term prosperity, environmental health, and social well-being by conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral, and cultural heritage, and archaeological resources for their economic, environmental, and social benefits.

Section 2.1 and 2.1.2 focus on the long-term protection, maintenance, restoration, and where possible improvements of natural features, and ensuring diversity and connectivity of natural features in the area.

The subject lands contain steep slope erosions on the east side, a regulated watercourse to the north and protected wetlands and wooded areas at the rear northern portion of the property. These have been recognized while assessing the land for severance – the proposed severance is approximately 56 meters away from the eastern slope erosion and over 500 meters away from the natural features to the north. The proposed severance will not have any negative effects on the protected natural heritage features.

Section 2.1.9 ensures nothing in policy 2.1 are intended to limit the ability of agricultural uses.

The proposed severed lands have been used as residential agricultural by the current tenant over the last four years. The dwelling has been occupied for several decades. All buildings and any private services are located in a cluster, which do not interfere with any farming operations. This proposal will not cause any negative impacts or take away from any agricultural land or uses on the property or surrounding areas.

Section 2.3 of PPS provides policies for Prime Agricultural Areas and highlights the importance of protecting the agricultural resources of Ontario. Permitted uses and activities include agricultural uses, agriculture-related uses, and on-farm diversified uses.

The subject lands are located within the Protected Countryside of the City of Hamilton and are designated as Agricultural in the Rural Hamilton Official Plan (2012). The property is serviced by a private well and septic system. The lands are approximately 57.5 hectares (147.5 Acres) and contain one (1) single-detached dwelling, one (1) silo, one (1) shed, and two (2) barns. The barns are currently in use for storage purposes only. A Livestock Compatibility Assessment has been completed by Soil Solutions Plus and the barns have been deemed unfit for housing livestock. The dwelling is a permitted use within the Prime Agricultural Areas, and severing the surplus farm dwelling will not cause any negative impacts to the agricultural uses of these lands. A Restrictive Covenant will be granted in favour of the City on the retained lands to prohibit a dwelling as a condition to ensure protection of Ontario's agricultural resources.

Section 2.3.3.3 of PPS states that "New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae."

A Minimum Distance Separation Report prepared by Soil Solutions Plus has been included with the application. The report concludes that the parcel is in proximity to four livestock operations, none of these setbacks require further observation for the proposed severance and will not have any negative outcomes in regard to the surrounding livestock operations. The proposed severed lot complies with the MDS setback requirements, and no variances are required for the application.

Section 2.3.4 of PPS notes the policies for Lot Creation and Lot Adjustments.

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
2. 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

The owners of the lands own and farm multiple properties in the area, deeming the house on this parcel surplus to their needs. The farm consolidation results in this surplus farm dwelling severance and the retained parcel will continue to be farmed.

The proposed surplus farm dwelling severance will create a lot of 0.85 hectares in size. The size of this lot will allow for the existing dwelling, the storage barn, the eastern portion of the driveway and the existing well and septic systems. The size of the proposed lot is sufficient for the existing structures and the services.

The proposed severance does not remove any actively farmed lands from the property or cause any negative impacts on the prime agricultural lands or the natural heritage lands within the surrounding areas. The retained lands will be approximately 55.8 hectares and will continue to be farmed.

As a result of the surplus farm dwelling severance, a Restrictive Covenant will be granted in favour of the City for the retained lands to prohibit a dwelling as a condition to ensure protection of Ontario's agricultural resources.

The natural heritage features located on the retained parcel will remain protected and the severance will have no impacts on the natural features.

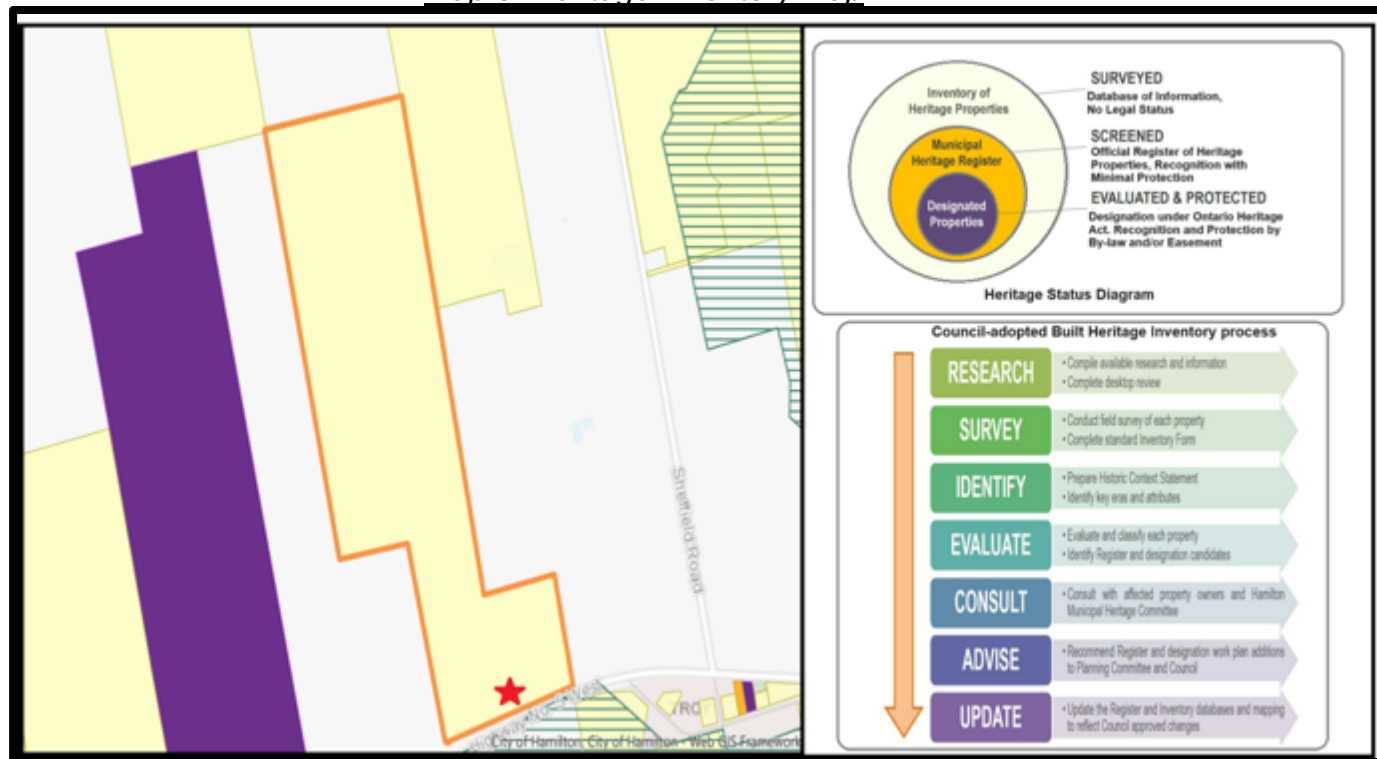
Policy 2.6 of PPS provides direction on Cultural Heritage and Archaeology.

The dwelling on the proposed severed lands is over 100 years old and is identified as "Inventoried Heritage Lands" by the City of Hamilton (Map 5). Section 2.6.1 of the Provincial Policy Statement speaks in regard to conserving significant built heritage resources and cultural heritage landscapes.

By severing the house and a storage barn as a surplus farm dwelling, no changes are proposed to the dwelling. The dwelling will continue to be maintained and resided by the current tenant, ensuring the continuous protection of the historic home.

There is no site alteration or demolition proposed on the severed or retained parcels, that will have any impact on the cultural resource. No new buildings are proposed to be constructed on the severed lot, which will impact the views of the existing dwelling.

Map 5: Heritage Inventory Map



It is my professional opinion that the surplus farm dwelling severance is consistent with the Provincial Policy Statement (2020).

4.3. Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the “Growth Plan”) is prepared under the Places to Grow Act, 2005. The Growth Plan provides policy direction for growth and development that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It implements Ontario’s vision for building stronger, prosperous communities by better managing growth in the region. The Growth Plan recognizes the significance of the natural areas and agricultural lands that provide significant contribution to the Ontario’s resilience and ability to adapt to a changing climate. The Growth Plan notes that the agricultural lands will be protected for the provision of healthy, local food for future generations.

The subject lands are designated Agriculture in the Rural Hamilton Official Plan. The proposed surplus farm dwelling severance does not remove any agricultural areas from the inventory. The retained parcel will continue to be farmed and there are no changes to the land uses proposed through this application.

Policy 4.2.2 sets out the requirements within the Growth Plan to ensure Natural Heritage Systems be protected, section 3(a) states that new development or site alterations will demonstrate that there are no negative impacts regarding key natural heritage features or hydrologic features and their functions.

The natural heritage features located on the retained parcel of land are not proposed to be altered. These features are located in the northern section of the retained lands, over 500 meters away from the proposed severed parcel. Significant slopes are located approximately 50 meters to the east of the severed lands. There are no changes proposed to the natural heritage area and the proposed surplus farm dwelling severance will have no negative impacts on the natural protected lands.

Policy 4.2.6 of the Growth Plan is designated to protect and enhance the Agriculture Systems. Sections 2 and 5 speak on the protection of prime agricultural areas for long-term use, and the retention of existing lots of agricultures encouragement and the discouragement of non-agricultural uses on these lands.

The surplus farm dwelling severance does not remove any active agricultural lands from the inventory. The severed lot will contain the existing dwelling and storage barn, which will not have any negative impacts on the farming operations of the retained lands or surrounding agricultural uses. There will be no non-agricultural uses added to these lands, the intent of the severance is only for the purpose of severing the dwelling which is surplus to the needs of the farming operations. The owner owns multiple farms in the area and the farm consolidation deems the dwelling surplus to farmer's needs. City's Official Plan allows prohibition of residential uses on farm parcels through registration of a Restrictive Covenant on Title of the lands. A Restrictive Covenant, hence, will be granted in favour of the City for the retained lands to prohibit residential dwelling as a permitted use to ensure protection of Ontario's agricultural resources.

Both severed and retained lands will continue to maintain a frontage on the public road (Highway #5), and no land-locked parcels are created through the application.

No impact on the existing dwelling is envisioned through the proposed severance. There are no changes to land uses, or site alterations proposed in future that will conflict with the existing cultural resource.

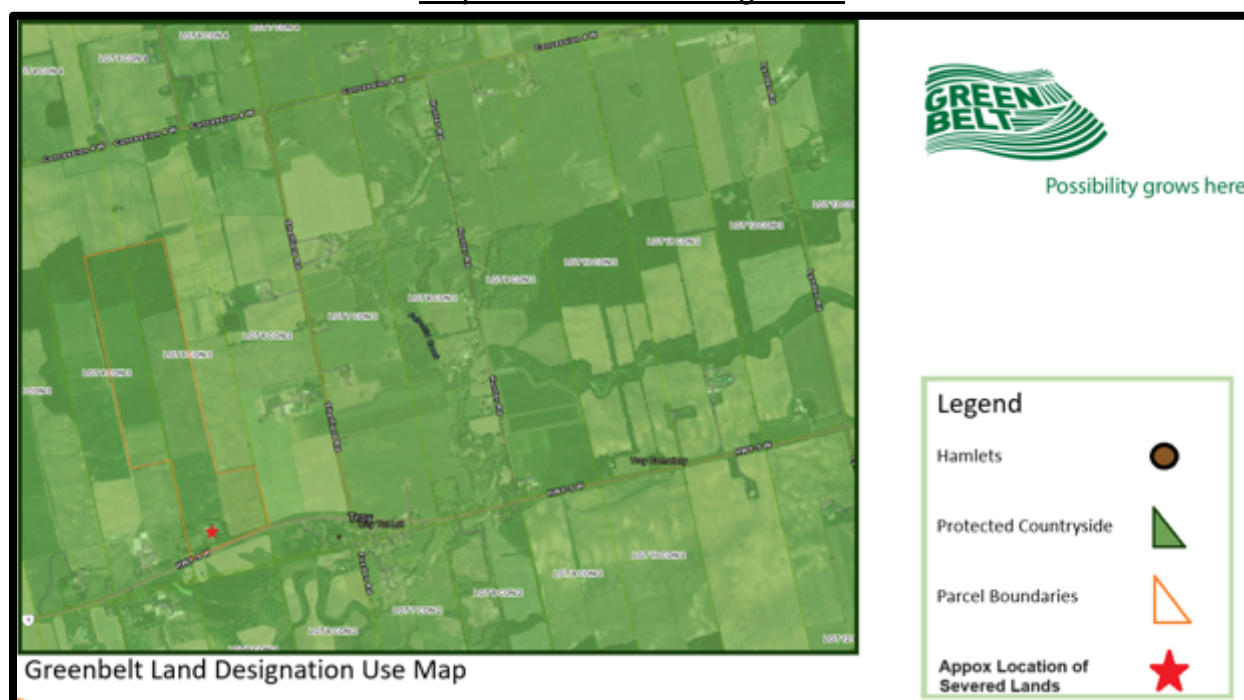
It is my professional opinion that the proposed application is in conformity with the policies of the Growth Plan for Greater Golden Horseshoe (2020).

4.4. Greenbelt Plan

The Greenbelt Plan was introduced in 2005 to help shape the future of this region. The Greenbelt Plan is the cornerstone of Ontario's Greater Golden Horseshoe Growth Plan (Growth Plan) which is an overarching strategy that provides clarity and certainty about urban structure, where and how future growth should be accommodated and what must be protected for current and future generations. With the rapid growth in this region, urban development and sprawl have become a major threat to natural and rural areas in the landscape. The Greenbelt Plan has been designed in conjunction to the Growth Plan to protect these areas from the risks of urban sprawl and development.

Map 6 shows that the parcel of land is located within the "Protected Countryside" area within the Greenbelt Plan. Protected Countryside allows agricultural uses and existing dwellings.

Map 6: Greenbelt Designation



Policy 1.2.2 notes Visions and Goals for Protected Countryside:

To enhance the overall quality of life within the urban and rural areas, Section 1 provides policies for the viability and protection of the Protected Countryside:

c) Protection of prime agricultural areas by preventing further fragmentation and loss of the agricultural land base caused by lot creation and the redesignation of prime agricultural areas.

The dwelling is surplus to the needs of the owner and the proposed surplus farm dwelling severance does not take away any prime agricultural lands. The proposal does not create any redesignation of prime agricultural areas. To ensure there is no loss of agricultural lands, a restrictive covenant will be granted in favour of the City for the retained lands so no new residential dwellings are constructed. Further, the retained lands will continue to be used for agricultural purposes.

f) Enhancing the strengths of the Agricultural System, including thorough consideration for the impacts of development on agriculture and planning for local food and near-urban agriculture.

By severing the surplus farm dwelling, the proposal contributes to enhancing the strengths of the Agricultural Systems by ensuring that no new residential will be permitted on the retained agricultural lands through the restrictive covenant put in place as a condition of severance, allowing for a long-term protection of the prime agricultural lands.

General policies for Protected Countryside are noted in Section 4, specifically to this case is the addressed in Section 4.6.

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

f) The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:

i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and

ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmlands created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmlands may be recommended by the province, or municipal approaches that achieve the same objective should be considered.

The proposed severance is a residence surplus to a farming operation. The owner of the subject lands own multiple farms in the surrounding area which are used for agricultural uses. The dwelling on the subject lands is surplus to the owner's needs.

The severance is minimal in size with approximately 0.85 hectares (2.09 acres) of lot area and is only large enough to contain the existing dwelling, storage barn, septic and well systems, and the driveway. The severed lot is large enough to allow proper functioning of the existing private well and septic systems. The dwelling is currently habitable, and pictures of the dwelling are included in this report. The retained lands are 55.8 hectares (138 acres) in size.

There is no site alteration, or land use changes proposed through these applications, thus protecting the dwelling which is noted on the City's heritage inventory as the dwelling was constructed over 100 years ago.

The severance will have no negative impacts on the prime agricultural or the natural features located on the retained lands. A restrictive covenant will be granted in favour of the City for as a condition of severance to ensure that no new residential dwellings are permitted on the retained agricultural lands.

It is in my professional opinion that the proposed application is in conformity with the Greenbelt Plan.

4.5. Minimum Distance Separation Guidelines

Minimum Distance Separation (MDS) Guidelines is prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and represents the Minimum Distance Separation Formulae as defined in the Provincial Policy Statement, 2014 (PPS). The MDS Document is a land use planning tool with the intent to prevent land use conflicts and minimize nuisance complaints from odour.

While MDS setbacks are an important and effective tool for dealing with nuisance issues related to odour, these do not eliminate all potential odour complaints.

MDS I formula determines setbacks between proposed new development and existing livestock facilities and MDS II formula determines setbacks between proposed new, enlarged, or renovated livestock facilities and other existing or approved development.

Guideline #9 states MDS I Setbacks for Lot Creation for a Residence Surplus to a Farming Operation. For a proposed severance of a residence surplus to a farming operation, an MDS I setback is always required for the proposed lot with an existing dwelling.

The subject lands contain one (1) existing dwelling and accessory structures. The lands are proposed to be severed as a residence surplus to a farming operation. The lands to be severed contain the single detached dwelling and a storage barn.

The lands are located within proximity to four livestock operations. A Minimum Distance Separation (MDS) Report has been conducted by Soil Solutions Plus which has been included as part of the submission.

Based on the Minimum Distance Separation (MDS) Report, there are no setbacks in need of further observation for the proposed severance hence the proposed severance will be in compliance with the Minimum Distance Separation standards. Map 7 shows the MDS setbacks from the livestock operations and depict the location of the proposed severed lot.

Map 7: MDS Setbacks



It is my professional opinion that the proposed surplus farm dwelling severance is keeping with the intent of Minimum Distance Separation Guidelines.

4.6. Official Plan

The Rural Official Plan (the “Official Plan”) of the City of Hamilton was adopted by Council on September 27, 2006 and was approved by the Ministry of Municipal Affairs and Housing

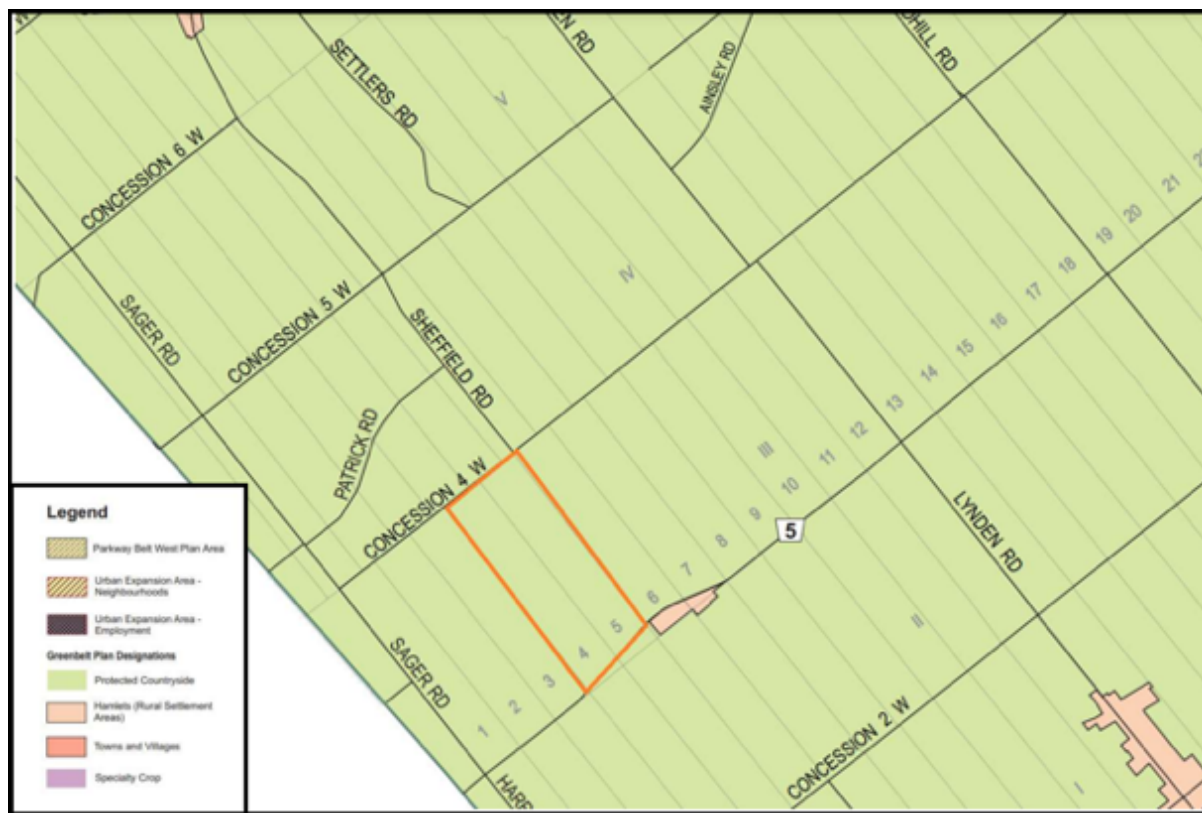
on December 24, 2008. The Official Plan came in effect on March 7, 2012. The city has completed its review of the current Rural Official Plan and By-Law 22-146 was adopted by City Council on May 25, 2022. The revised document was prepared to update policies reflecting current updates to the provincial policies. The amendments were approved by the Ministry of Municipal Affairs and Housing in November 2022.

The Official Plan is a guiding document for the City to achieve its vision. The plan provides direction and guidance on the management of our communities, land use change and physical development over the next 30 years. The Official Plan provides a framework of objectives and strategies, land use designations and policies intended to guide the future growth and development in the City supporting Vision 2020 for a vibrant, healthy, and sustainable city. The Rural Official Plan applies to all lands within Rural Hamilton (OPA 26).

The subject property is designated as Agricultural and Natural Heritage System in the Rural Official Plan. The lands are identified within the prime agricultural area of the City. The lands are also within the Protected Countryside of the Greenbelt Plan.

Map 8 provides an excerpt of the property showing the Protected Countryside designation and Map 9 notes the land use designation on the lands.

Map 8: Excerpt from Rural Official Plan Schedule A



Map 9: Excerpt from Rural Official Plan Schedule D



All proposals of development or site alterations within the Protected Countryside on Schedule “A” and/or “D” must meet all requirements with the exception of “c” of the Greenbelt Plan for protecting the countryside. For residential lot creation, and surplus farm dwelling proposals, the plan must be in compliance with sections F.1.14.2, and C.5.

Provided within Section 4.4 of this report, the residential surplus farm dwelling severance conforms with all applicable policies of the Greenbelt Plan. The proposed severance is within the Protected Countryside of the rural parts of Hamilton (Map 8), which contains three geographic specific policy areas including agricultural systems, natural systems, and settlement areas.

Chapter C

The City of Hamilton contains a large number of natural areas and features identified as part of the Natural Heritage System of the Protected Countryside in the Greenbelt Plan, Section C.2.0 is dedicated to these systems. These lands are protected through this plan by ensuring that the natural areas are managed as an integrated system, enhancing key

features as well as supporting the environmental objectives. The City also identifies locally and provincially significant natural areas that warrant similar consideration. Natural Heritage Systems identified on Schedule B- Natural Heritage Systems, of this plan consist of the Greenbelt Natural Heritage System, the Greenbelt Protected Countryside, and the Core Areas within and outside of the Greenbelt Area. Collectively the provincial and local planning have an objective to protect and restore the Natural Heritage Systems and focus on protecting and restoring these features and natural functions for a permanent environmental resource of the Communities.

Section 2.1 sets out the Policy Goals that apply to designation and management of the Natural Heritage Systems in Rural Areas, these include;

2.1.1 To protect and enhance biodiversity and ecological functions.

2.1.2 To achieve a healthy, functional ecosystem.

2.1.3 To conserve the natural beauty and distinctive character of Hamilton's landscape.

2.1.4 To maintain and enhance the contribution made by the Natural Heritage System to the quality of life of Hamilton's residents.

2.1.5 To restore and enhance connections, quality, and amount of natural habitat.

2.1.7 To monitor and periodically assess the condition of Hamilton's natural environment.

The Subject Lands are identified Protected Countryside in the Official Plan (Map 8). As per Section C.2.2.2, the policies do not prohibit the continuation of the existing agricultural uses within or adjacent to the Natural Heritage System lands. The Subject Lands are currently used for agricultural uses and are proposed to continue as such. The proposed surplus farm dwelling severance will not have any impact on the natural heritage system as no site alteration is being proposed in or adjacent to the natural features. No major development or new buildings or structures or any land use changes are being proposed that will impact the natural environment.

The objective of Section C.5.1 is to ensure all rural developments have established and maintained sustainable private services.

The lands being proposed for severance will be approximately 0.85 hectares in size, meeting the required 0.4-hectare minimum size and are adequate to accommodate the water system and sewage disposal systems of the property. The lands to be severed currently are serviced by private well and sewage systems and will continue to run on these preexisting systems. There will be no changes proposed to the private services and they will be able to continue to function with no negative impacts to the

lands or surrounding areas. No new development or construction of buildings or structures is proposed through this application.

Chapter D

The subject lands are located within the rural parts of Hamilton and are subject to chapter “D” of the Rural Hamilton Official Plan, these lands are primarily resource related providing opportunities for agriculture, non-renewable and natural heritage resources. While also providing homes for residence living within the rural setting not directly involved in any resource related activities. These policies are set out to protect all rural resources while still recognizing settlement areas, and providing resource based commercial, industrial, and recreational uses.

The goals set out for the Rural systems land use designations detailed in Schedule D applicable to the current proposal include the following;

- 1.1 Reinforce and support the significant contribution agriculture makes to the lifestyle, environment, and economy of the City.
- 1.2 Maintain and promote the right-to-farm throughout Rural Hamilton.
- 1.3 Preserve and enhance prime agricultural areas and specialty crop areas for farming.
- 1.4 Encourage all lands used for agricultural uses to remain in agricultural uses.

The proposed severance will not be removing any active agricultural lands from production. The proposed severance is for a surplus farm dwelling is a result of farm consolidation. The agricultural activities will be preserved and continue to function as normal on the retained lands. There will be a restrictive covenant put on the retained lands to ensure no new dwellings can be constructed on these lands. The severed lot does not interfere with the existing natural or cultural heritage features on the lands. No impact on the agricultural uses will occur through the severance of the existing dwelling.

Chapter F

Section 1.14.2 of Chapter “F” within the Rural Official Plan speaks to policies related to Lot Creations.

Severances in Agricultural Areas is prohibited except if the lot is created as a residential surplus to the farming operations and as a result of farm consolidation. The proposed severance for a surplus farm dwelling meets the intent of these policies.

Policy 1.14.2.C notes the policies that apply to all severances:

- i) comply with the policies of this Plan including a rural settlement area plan 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 severed and retained lots have frontage on a public road; and,
- v) meet the requirements of Section C.5.1, Private Water and Wastewater Services.

The proposed severance and lot creation is compatible with the surrounding agricultural operations. A MDS Study has been conducted and notes no negative impact of the proposed new lot on the existing surrounding livestock operations. The proposed severance does not remove any active agricultural lands from production. There will be a restrictive covenant will be granted in favour of the City to ensure no future residential uses are permitted on the retained lands. The severed and retained lot complies with the regulations of the Zoning By-Law 05-200. Both severed and retained lands will have frontage on Highway #5. The private water and wastewater requirements in Section C.5.1 have been addressed within this section of the report.

Policy 1.14.2.8 is dedicated to surplus farm dwelling severances.

An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

- a) In all cases where surplus farm dwellings are to be severed the following shall apply:
 - i) The farm consolidation shall have been completed prior to the time of application.

The owner of the Subject Lands own multiple farms in the area. The two adjoining lands on 2435 Highway # 5 West and 2461 – 2463 Highway #5 West are owned and operated by the owner of the Subject Lands. The adjoining farms total 235 acres (95 hectares). The retained lands will be approximately 55.8 hectares (138 acres) in size. The total farm consolidation will be 150.8 hectares (373 acres). The retained lands will not be merged with the adjoining parcels.

- ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.

The application is a result of farm consolidation as the dwelling is surplus to the needs of the owners.

iii) The proposed surplus farm dwelling:

- 1) shall have been built on or before December 16, 2004; and,
- 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.

The dwelling was built over 100 years ago and is currently occupied by tenants. Pictures of the dwelling showing that it is habitable have been included in the submission. No new construction or demolition is proposed or required for the lands.

iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;

The lands being proposed for severance will be approximately 0.85 hectares in size and are adequate to accommodate the water system and sewage disposal systems of the property. The well and septic system is located at the front of the house. The storage barn is included with the severed parcel.

v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;

The lands being proposed for severance will be approximately 0.85 hectares in size and are adequate to accommodate the water system and sewage disposal systems of the property. The well and septic system is located at the front of the house. The storage barn is included with the severed parcel.

vi) The shape and dimensions of the surplus farm dwelling lot shall:

1. not impair agricultural operations on the retained land; and
2. generally not exceed a depth of 122 metres (400 feet);

The severed parcel will be approximately 0.85 hectares (2.09 acres) in size with a frontage of approximately 68.07 meters on Highway #5 and a depth of 126.72 meters and will not be taking away any lands from the agricultural operations on the retained lands. The size of the lot only includes the buildings, services, and the existing treed area. The severed lot does not interfere with the agricultural operations.

vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.

The barn included with the severed parcel is used for personal storage and is suitable to be used for accessory to the residential use. The building is not used for any commercial or industrial uses.

viii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.

The barn included with the severed parcel is used for personal storage and is suitable to be used for accessory to the residential use. The barns on the retained parcel will continue to be used for agricultural equipment storage.

Lands Not Merged in Title

c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

i) The owner and operator of the farm maintains an existing dwelling on land that is also part of the consolidated farm operation;

The owner and operator of the farm resides on 2435 Highway # 5 West and the dwelling on the Subject Lands is surplus to the needs.

ii) The parcels of land comprising the consolidated farm operation shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture and Rural designations and 14.2 hectares (35 acres) in the Specialty Crop designation;

The owner of the Subject Lands own multiple farms in the area. The two adjoining lands on 2435 Highway # 5 West and 2461 – 2463 Highway #5 West are owned and operated by the owner of the Subject Lands. The adjoining farms total 235 acres (95 hectares). The retained lands will be approximately 55.8 hectares (138 acres) in size. The total farm consolidation will result in a total of 150.8 hectares (373 acres).

iii) The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D – Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations;

The Subject Lands are approximately 57.5 hectares (+/-142 acres) in size.

iv) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:

1. The landowner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
2. The landowner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit. If the landowner grants a restrictive covenant in favour of the City, the City shall rezone the farm parcel to prohibit the construction of any dwelling unit.

A Restrictive Covenant will be granted in favour of the City for the retained lands to ensure no new dwellings are permitted. The City will rezone the retained lands to prohibit residential uses in the housekeeping amendment to the Zoning By-Law.

It is my professional opinion that the proposed surplus farm dwelling severance conforms with the policies of the Rural Hamilton Official Plan.

5. Zoning By-Law

The City of Hamilton's Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005 and is being implemented in stages.

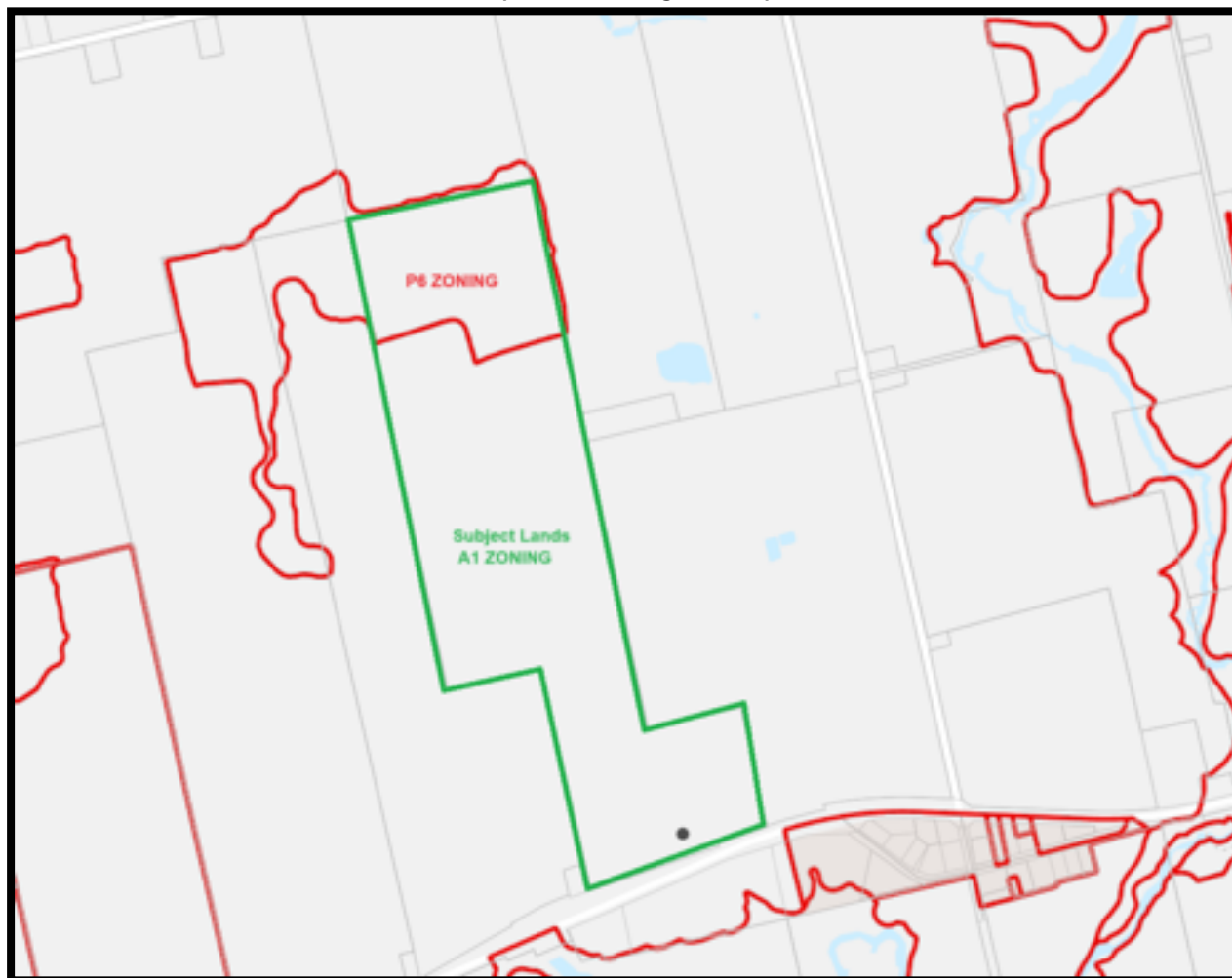
Zoning By-law No. 05-200 includes several sections including definitions, general provisions, parking regulations as well as the various zones. The zones structured are to identify permitted and prohibited uses as well as the regulations applicable to a permitted use. Definition, general provisions, and parking regulations work in conjunction with the zones and need to be reviewed for all development applications to determine compliance.

The subject lands are zoned Agricultural (A1) and Conservation/ Hazard Land- Rural Zone (P6) in the Zoning By-Law 05-200. Single Detached Dwellings are permitted within A1 zones in the Zoning By-Law 05-200.

Map 10 shows the current zoning of the Subject Lands.

The proposed severance is located on lands containing Environmentally Significant Areas protected by the Grand River Conservation Authorities, this includes a wetland, and wooded area in the northern back portion of the lot, as well as a watercourse. The P6 portion of the lot is over 500-meters away from the proposed severed lot and will not have any negative impacts on the environmental protected lands.

Map 10: Zoning Excerpt



As per Section 4.8.1.2 of the Zoning By-Law for 'Buildings Accessory To Single Detached Dwellings And Residential Care Facilities In A1 And A2 Zones', the following regulations apply:

- a) Notwithstanding Subsection 4.8 g), all Accessory Buildings shall have a maximum height of 6.0 metres.
- b) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 200 square metres, or 5% lot coverage, whichever is the lesser.
- c) All buildings accessory to a Single Detached Dwelling shall have a minimum setback of 1.0 metre from a rear or side lot line.
- d) In addition to Subsection 4.8 b) and notwithstanding Subsection 4.8.1.2.c), where a vehicular entrance to an Accessory Building faces a street line or where an access

driveway leads to an Accessory Building which faces a street line, the Accessory Building shall be setback a minimum of 6.0 metres from the street line.

The barn is a 1-story structure and is less than 6 meters in height. The accessory structure is located 1.7m from the west property line and 32m from the rear lot line. the barn is approximately 2000 sq. ft (185 sq.mt) and represents approximately 2.2% of the lot coverage for accessory uses.

The barn on retained lands is located 8.7 meters from the east property line.

As per Section 12.1.3.3 of the By-Law outlining regulations for A1 Zone, the following apply to the proposal:

- a) Minimum Lot Area 0.4 hectares
- b) Minimum Lot Width 30.0 metres
- c) Maximum Building Height 10.5 metres
- d) Minimum Front Yard 10.0 metres
- e) Minimum Side Yard 3.0 metres
- f) Minimum Rear Yard 10.0 metres

The proposed severed lot has a lot width of 68.07 meters, and an area of 0.85 hectares. The existing dwelling is 1.5 storeys and is less than 10 meters in height. The front yard setback is 45.16 meters, rear yard is more than 50 meters, and side yards exceed 3 meters. The severed lot meets all regulations of the by-law.

The retained lands are approximately 55.8 hectares (138 acres) in size with a frontage of approximately 133-meters on the west side and 199-meter frontage on the east side of Highway #5.

The proposed severance meets the regulations of the Zoning By-Law.

6. Summary and Recommendations

The proposed application is to create a surplus farm dwelling severance on 2405 Highway #5 West. The dwelling is surplus to the needs of the owner as they own and operate multiple farms in the vicinity. The size of the severed lot meets the regulations of the by-law, and is sufficient to accommodate existing buildings, and private services. A restrictive covenant on the retained portion of the parcel will be granted to the City to ensure no future residential uses will be permitted on the retained lands. A Minimum Distance Separation,

and Barn Livestock Capability report have been prepared by Soil Solutions Plus and note no conflicts with the surrounding livestock operations.

It is my professional opinion that the proposed surplus farm dwelling severance is:

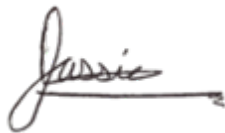
- consistent with the Provincial Policy Statement;
- in conformity with the Growth Plan for the Greater Golden Horseshoe;
- in conformity with the Greenbelt Plan
- conform to the policies of the Rural Hamilton Official Plan; and
- in keeping with the regulations of the City of Hamilton Zoning By-Law 05-200.

The proposed application represents good planning, and it is requested to the Committee of Adjustment that the application be approved.

Respectfully Submitted,

TAG – The Angrish Group

Report Prepared By:



Jassie Cleaver
Junior Planner

Report Reviewed and Approved By:



Ruchika Angrish, MPlan, B.Tech, MCIP, RPP
Co-Founder

CC: Victoria May and Greg Royce, Applicants

I hereby certify that this Planning Report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners' Institute Act, 1994.



I hereby certify that this plan/report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.

November 2, 2023
Date


Ruchika Angrish
Registered Professional Planner

November 2, 2023

Soil Solutions Plus
66 High Street
PO Box 1003
St. George, ON, N0E 1N0

MDS I Report

August 17, 2023

Victoria May
2405 Hwy 5
Lot 5, Concession 3, Beverly
City of Hamilton

Description of Plan:

The applicant plans to sever a lot for her existing house that she currently rents and become the owner of the new property. This is “ Lot creation for a residence surplus to a farming operation”.

A livestock operation has been identified at 2435 Hwy 5 W, the farm is west of the subject property.

A livestock operation has been identified at 2461 – 2463 Hwy 5 W, the farm is west of the subject property.

A livestock operation has been identified at 531 Sheffield Road, the farm is east of the subject property.

A livestock operation has been identified at 2438 Hwy 5 W, the farm is south west of the subject property.

Details of Livestock Operation at 2435 Hwy 5 W :

To determine the livestock capacity I spoke with the farm owner Lammert Koonstra on Thursday August 17, 2023.

The farm houses Dairy Cows, 160 Milkers, 30 Dry Cows and 40 Calves. Heifers for this operation are raised at another property.

Manure is generated as solid under a roof and liquid that is stored in a pit underneath slats.

Using the Agricultural Information Atlas I confirmed the total lot size to be approximately 105 acres.

Details of Livestock Operation at 2461 – 2463 Hwy 5 W:

To determine the livestock capacity I spoke with the farm owner Lammert Koonstra on Thursday August 17, 2023.

The farm houses Dairy Heifers and the capacity is 40 animals.

Using the Agricultural Information Atlas I confirmed the total lot size to be approximately 155 acres.

Details of Livestock Operation at 531 Sheffield Road :

To determine the livestock capacity I spoke with the farm owner Aant Koonstra on Thursday August 17, 2023.

The farm houses Dairy Cows, 120 Milkers, 20 Dry Cows and 20 Calves. Heifers for this operation are raised at a barn across the road.

Manure is stored in Liquid Earthen Lagoons.

Using the Agricultural Information Atlas I confirmed the total lot size to be approximately 120 acres.

Details of Livestock Operation at 2438 Hwy 5 W:

To determine the livestock capacity I visited the farm on Wednesday August 16, 2023. I spoke with Susan who identified herself as a tenant of one of the Houses on the property. She told me that the property was owned by people from Toronto and they were not on site. She also told me that there was a Barn with 6 Stalls, a barn with 8 stalls and a barn that was currently being used for storage that at one time held 11 stalls.

While on farm I saw two medium frame horses on pasture.

For the purposes of this report 6 Large Frame Horses will be the capacity of the Arena Barn, 8 Large Frame Horses will be the capacity of the middle Barn and 11 Medium Frame Horses will be the capacity of the back barn.

Using the Agricultural Information Atlas I confirmed the total lot size to be approximately 200 acres.

Properties investigated that do not require a calculation

2304 Troy Road

I visited this property on August 16 2023 and did not find anyone home at the residence or at any of the buildings. There is a Beef herd on pasture on this property however the herd is restricted to the pasture.

I knocked on the old barn structures of the property in search of the owner, these buildings appear to be abandoned and their appearance suggests they are no longer capable of housing livestock. No calculation will be generated for this property.

MDS I Sketch:

For planning purposes I plotted a circle from the east side of the manure storage at 2435 Hwy 5 W, showing the setback of 961' (293m) for the barn and manure storage

For planning purposes I plotted a circle from the west side of the barn at 2461 – 2463 Hwy 5 W, showing the setback of 427' (130m) for the barn.

For planning purposes I plotted a circle from the Manure Storage at 531 Sheffield Rd, showing the setback of 1,522' (464m) for the Manure Storage.

For planning purposes I plotted a circle from the Nearest Barn at 2438 Hwy 5 W showing the setback of 548' (167m) for the barn.

Result:

There are no MDS I setbacks to observe for the planned new lot.

Yours Truly,



Matt Robillard
Soil Solutions Plus
PH (905)297-5328

Enclosures:

- Minimum Distance Separation I (MDS I) Report,
- MDS I Report Sketch

2405 Hwy 5 MDS I

General information

Application date Aug 17, 2023	Municipal file number	Proposed application Lot creation for a residence surplus to a farming operation (i.e. surplus dwelling severance)
Applicant contact information Victoria May 2405 Hwy 5 Troy, ON L0R 2B0 519-820-3532	Location of subject lands City of Hamilton City of Hamilton BEVERLY Concession 3 , Lot 5 Roll number: 251830131004400	

Calculations

2435 Hwy 5 W

Farm contact information Lammert Koonstra 2435 Hwy 5 W Troy, ON L0R 2B0 519-771-3642	Location of existing livestock facility or anaerobic digester City of Hamilton City of Hamilton BEVERLY Concession 3 , Lot 4 Roll number: 251830131004600	Total lot size 105 ac		
Livestock/manure summary				
Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), 4 Row Free Stall Head To Head	160	228.6 NU	20000 ft ²
Liquid	Dairy, Milking-age Cows (dry or milking) Medium Frame (455 - 545 kg) (eg. Guernseys), Free Stall	30	35.3 NU	3000 ft ²
Solid	Dairy, Calves Large Frame (45 - 182 kg) (eg. Holsteins)	40	6.7 NU	1400 ft ²
Setback summary				
Existing manure storage	V5. Liquid, inside, underneath slatted floor			
Design capacity	270.5 NU			
Potential design capacity	450 NU			
Factor A (odour potential)	0.7	Factor B (design capacity)	534.52	
Factor D (manure type)	0.71	Factor E (encroaching land use)	1.1	
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)				293 m (961 ft)
Actual distance from livestock barn				NA
Storage base distance 'S' (minimum distance from manure storage)				293 m (961 ft)

Actual distance from manure storage

NA

2461 - 2463 Hwy 5 W

Farm contact information

Lammert Koonstra
2461 - 2463 Hwy 5 W
Troy, ON
LOR 2B0
519-771-3642

Location of existing livestock facility or anaerobic digester

City of Hamilton
City of Hamilton
BEVERLY
Concession 3 , Lot 3
Roll number: 251830131004800

Total lot size

155 ac

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Dairy, Heifers Large Frame (182 - 545 kg) (eg. Holsteins), Manure Pack Outside Access	40	20 NU	1600 ft ²

Setback summary

Existing manure storage	V1. Solid, inside, bedded pack			
Design capacity	20 NU			
Potential design capacity	40 NU			
Factor A (odour potential)	0.7	Factor B (design capacity)	240	
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1	
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)				130 m (427 ft)
Actual distance from livestock barn				NA
Storage base distance 'S' (minimum distance from manure storage)				No existing manure storage
Actual distance from manure storage				NA

531 Sheffield Road

Farm contact information

Aant Koonstra
531 Sheffield Road
Troy, ON
LOR 2B0
519-755-9239

Location of existing livestock facility or anaerobic digester

City of Hamilton
City of Hamilton
BEVERLY
Concession 3 , Lot 6
Roll number: 251830131004200

Total lot size

120 ac

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Liquid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), 3 Row Free Stall	120	171.4 NU	12600 ft ²
Liquid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), 3 Row Free Stall	20	28.6 NU	2100 ft ²

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Liquid	Dairy, Calves Large Frame (45 - 182 kg) (eg. Holsteins)	20	3.3 NU	700 ft ²
Setback summary				
Existing manure storage	H1. Liquid, outside, no cover, sloped-sided storage			
Design capacity	203.3 NU			
Potential design capacity	450 NU			
Factor A (odour potential)	0.7	Factor B (design capacity)	534.52	
Factor D (manure type)	0.8	Factor E (encroaching land use)	1.1	
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)				330 m (1083 ft)
Actual distance from livestock barn				NA
Storage base distance 'S' (minimum distance from manure storage)				464 m (1522 ft)
Actual distance from manure storage				NA

2438 Hwy 5 W

Farm contact information Susan Tenant 2438 Hwy 5 W Troy, ON L0R 2B0 905-920-4870	Location of existing livestock facility or anaerobic digester City of Hamilton City of Hamilton BEVERLY Concession 2 , Lot 4 Roll number: 251830121002000	Total lot size 200 ac		
Livestock/manure summary				
Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	6	8.6 NU	1950 ft ²
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	11	11 NU	2750 ft ²
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	8	11.4 NU	2600 ft ²
Setback summary				
Existing manure storage	No storage required (manure is stored for less than 14 days)			
Design capacity	31 NU			
Potential design capacity	93 NU			
Factor A (odour potential)	0.7	Factor B (design capacity)	309.49	
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1	
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)				167 m (548 ft)

Actual distance from livestock barn

NA

Storage base distance 'S'
(minimum distance from manure storage)

No existing manure storage

Actual distance from manure storage

NA

Preparer signoff & disclaimer

Preparer contact information

Matt Robillard
Soil Solutions Plus
66 High Street
POBOX 1003
St. George, ON
N0E 1N0
905-297-5328
matt@soil-solutions-plus.com

Signature of preparer



Matt Robillard

AUG 17 2023

Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



Soil Solutions Plus
66 High Street
PO Box 1003
St. George, ON, N0E 1N0

Barn Livestock Capability Report

August 16, 2023

Lammert Koonstra
2405 Hwy 5
Lot 5, Concession 3, Beverly
City of Hamilton

Description of Plan:

Lambert Koonstra intends to sever a surplus farm dwelling. The new lot will contain a residence and small outbuildings. The retained parcel will include a former livestock barn that is now being used for Hay Storage and Machine Storage.

On August 16th I visited the site and spoke with Farm Employee's residing at the residence and a farm hand that was working on making repairs to the barn foundation.

The Minimum Distance Separation (MDS) Document provides guidance on the Structural Capability of Housing Livestock in section 8.5 the following are applicable:

Details of the former livestock barn at 2405 Hwy 5:

Structural Considerations

Foundation

Is it crumbling, missing mortar and in disrepair? Yes.

At the time of inspection the rear wall of the building was being prepared for repair the existing wall was falling apart and required replacement to keep the structure in viable condition for machine storage use.

*Is there a dirt floor in part or throughout the entire barn? **Yes.***

Portions of the concrete floor have cracked and dissipated it would require removal and complete replacement for reuse as a livestock facility.

*Would reasonable people avoid spending money to repair the foundation properly? **Yes.***

The cost for repair to bring this back to use for livestock would be prohibitive considering the age and style of the barn.

Walls

*Do the windows need replacement? **Yes.***

All windows are broken and missing.

*Is there missing insulation, or was there never any insulation at all? **Yes.***

There is no insulation present.

Is there a modern ventilation system with exhaust fans , controlled air inlet systems or thermostatic controls?

The barn had one exhaust fan but the electrical cord to the fan motor has been cut making it inoperable.

*Would reasonable people avoid spending money to repair the walls properly? **Yes.***

The style of barn is not up to the current standards and it is not feasible to repair the walls.

Internal Structure

*Does the floor entirely need to be replaced? **Yes.***

The floor is cracked and no longer solid or suitable for livestock.

“Reasonable Capable” Considerations

Size and Shape of the Barn

*Is the barn quite small for the type of livestock typically housed in that type of barn? **Yes.***

The barn is too small for today's herd size.

Era of the Barn

*Would reasonable people avoid spending money to repair the barn given its construction era? **Yes.***

These barns are no longer practical as they are simple too small and the repair cost would be better spent on a new facility.

Current Use of the Barn

*Is the barn used now as storage for machinery, boats feed, lumber, etc. ? **Yes.***

The barn is now used for machinery and hay storage. Concrete silos have not been used for greater than 15 years and are no longer operable.

*Have interior features of the barn been removed and must now be replaced? **Yes.***

There are no gates or penning inside the buildings all would need to be replaced.

Other Livestock Facilities and Related Buildings

*Is there missing 'supporting infrastructure' on site? **Yes.***

The casing for the water well onsite has collapsed and is no longer usable. There are no usable feed bins or bunks. The Yard area concrete has failed and the fencing is in poor condition. There is no manure storage present.

Would reasonable people avoid spending money to replace or upgrade infrastructure on site?
Yes.

Result:

This structure is no longer Structurally or Reasonably capable for Housing Livestock.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Matt Robillard', with a long horizontal flourish extending to the right.

Matt Robillard
Soil Solutions Plus
PH (905)297-5328

Enclosures:

- AOSPD Certificate for Matt Robillard
- 7 Photos of the Structure taken August 16 2023

Environmental Management Branch

**AGRICULTURAL OPERATION STRATEGY OR PLAN DEVELOPMENT CERTIFICATE
#AOSPDC19312**

Pursuant to Section 100 of Ontario Reg. 267/03 (the 'Regulation'), made pursuant to the Nutrient Management Act, 2002, S.O. 2002 c.4 (the 'Act'), this Agricultural Operation Strategy or Plan Development Certificate is issued, subject to the terms and conditions attached hereto, to:

Matt Robillard

Your certificate number is AOSPDC19312.

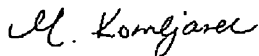
Your Agricultural Operation Strategy or Plan Development Certificate will expire on July 11, 2024.

This Agricultural Operation Strategy or Plan Development Certificate was issued to you on July 11, 2019 as you have:

- paid the fee as identified in Section 100(2)(a);
 - successfully completed courses specified by the Director as required by Section 100(3) 1;
 - obtained a passing grade on an examination specified by the Director as required by Section 100(3)3;
 - has obtained a passing grade on at least one and not more than three assignments, specified by the Director as required by Section 100(3)2;
- OR
- as an applicant who holds a certificate that has not been suspended or cancelled, paid the fee as identified in Section 100(2)(a) and obtained a passing grade on an examination specified by the Director, as required by Section 100(5)1.

Section 107 and Section 109 of the Regulation requires the Director to provide 15 days written notice to the holder of a Certificate of the Director's intention to cancel the Certificate. Further, a notice to amend, suspend or cancel the Certificate must set out the procedures for appeals under Section 9 of the Act. All notices under Section 107 and Section 109 must set out the reasons for the Director's intentions.

DATED *this 15th day of July, 2019*



Mari Komljanec
Director
Part X of Ontario Regulation 267/03, and
Section 8 and Section 9 of Nutrient Management Act, 2002

















Hamilton

Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Purchaser*		
Registered Owners(s)	Lammert & Gretha Koonstra	
Applicant(s)**	Victoria May & Greg Royce	
Agent or Solicitor	Ruchika Angrish	

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email Yes* No
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	2405 Highway #5 W, Troy, ON L0R 2B0		
Assessment Roll Number	30131004400		
Former Municipality	Flamborough		
Lot		Concession	3
Registered Plan Number		Lot(s)	4 & 5
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input checked="" type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Victoria May, Greg Royce

3.3 If a lot addition, identify the lands to which the parcel will be added:

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:	Retained - Red Outline	Severed - Blue Outline			
Type of Transfer	N/A	Surplus Farm Dv			
Frontage	336.5m	68.07m			
Depth	1,510m	126.72m			
Area	55.8Ha	0.85Ha			
Existing Use	Agricultural	e, accessory buil			
Proposed Use	Agricultural	e, accessory buil			
Existing Buildings/ Structures	1 Storage Barn 1 Silo 1 Shed	Detached Dwelling Storage Barn			
Proposed Buildings/ Structures	1 Storage Barn 1 Silo, 1 Shed	Detached Dwelling Storage Barn			
Buildings/ Structures to be Removed	No	No			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year

- right of way
 other public road
Highway #5

b) Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)

c) Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 privately owned and operated individual septic system
 other means (specify) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Agricultural

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The application causes no negative impacts on the existing agricultural lands, and is severing the existing house and outbuilding as a surplus farm dwelling. The agricultural uses on the retained lands will continue to be used for such. there will be no negative impacts.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? Agricultural (A1), Conservation/ Hazard Land-

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	Four livestock facilities, ranging from 130-470m
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input checked="" type="checkbox"/>	
A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	abutting
A flood plain	<input checked="" type="checkbox"/>	180m
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.
-

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?
 Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

- 6.4 How long has the applicant owned the subject land?

Since 2018

- 6.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands below or attach a separate page.

2435 Hwy 5 W and 2461 – 2463 Hwy 5 W
abutting lands to the west

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

Refer to PJR for detailed explanation

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No (Provide explanation)

Refer to PJR for detailed explanation

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

Refer to PJR for detailed explanation

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

The lands are outside NEP

7.5 Are the subject lands subject to the Parkway Belt West Plan?
 Yes No (Provide explanation)

n/a

7.6 Are the subject lands subject to the Greenbelt Plan?
 Yes No (Provide explanation)

Refer to PJR for detailed explanation

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?
 Yes No (Provide explanation)

n/a

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

NA

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

NA

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

n/a

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

n/a

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

n/a

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

The retained lands will not be merged on title with the abutting lands owned by the same owner. A Restrictive Covenant will be placed on the retained lands to ensure no new dwellings are constructed.

10.2 Location of farm consolidation property:

Municipal Address	2435 Hwy 5 W and 2461 – 2463 Hwy 5 W, Hamilton		
Assessment Roll Number	251830131004600 and 251830131004800		
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.
Agriculture

10.4 Description of farm consolidation property:

Frontage (m): +385m	Area (m ² or ha): 64 ha
---------------------	------------------------------------

Existing Land Use(s): Agricultural Proposed Land Use(s): Agriculture

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: Agriculture Proposed Land Use: Agriculture

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1) 68.07	Area (m ² or ha): (from Section 4.1) 0.85
-------------------------------------------	---------------------------------------------------------

Front yard set back: 45.16

a) Date of construction:

- Prior to December 16, 2004
- After December 16, 2004

b) Condition:

- Habitable
- Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
