



A Healthy Watershed for Everyone

BY EMAIL

File no. A-24:61

May 2, 2024

Jamila Sheffield, Secretary-Treasurer
Committee of Adjustment
City of Hamilton
71 Main St. West,
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

Re: Applications for Minor Variance, File No. A-24:61, by GSP Group Inc. c/o Elizabeth Farrugia on behalf of the Hamilton/Burlington Society for the Protection of Cruelty to Animals for lands at 215-225 Dartnall Road, Hamilton

Hamilton Conservation Authority (HCA) staff have reviewed the information provided in accordance with HCA's responsibilities under *Ontario Regulation 41/24*, the *Conservation Authorities Act* and the Memorandum of Understanding between the Ontario Ministry of Natural Resources (MNR), the Ontario Ministry of Municipal Affairs and Housing (MMAH) and Conservation Authorities (CA) relating to provincial interests for natural hazards.

Proposal

The applicant is proposing to expand the existing 150 sqm animal shelter and veterinary clinic structure to approximately 5,000 sqm and maintain the existing use. The following variances are requested to permit the enlargement of the existing non-confirming animal shelter and veterinary clinic:

1. To permit the expansion of the existing legal non-confirming 150 square metres animal shelter and veterinary clinic to 5,000 square metres.
2. To provide 70 parking spaces for the proposed expanded animal shelter and veterinary clinic uses on Site.

Ontario Regulation 41/24 and the Conservation Authorities Act

The subject site is approximately 0.82 ha (2.03 ac) in size and located in the Hannon Creek sub-watershed which forms part of the Red Hill Creek watershed and flows to Hamilton Harbour. The subject site is located in a karst sensitive area, with known karst features located on nearby properties. A tributary of Hannon Creek traverses the lands directly east of the subject site, flowing from south to north, and a wetland feature associated with Hannon Creek is also located on the lands immediately east of the subject site. As such the subject site has the potential to be impacted by flooding, erosion and unstable soil or bedrock hazards, and cause interference with adjacent wetland features.

Flooding hazards for the area were previously assessed as part of the Upper Hannon Creek Master Drainage Plan (MDP) which included the development of a floodplain model. Based on this floodplain model, the floodplain produced by the Regulatory Storm (Hurricane Hazel) can extend to elevations of 197.47 m at the upstream limit of the property (Section 644.7) and 197.16 m at the downstream limit of the property (Section 567.7). Therefore, it is recommended the floodplain produced by the Regulatory Storm be delineated on future site plans and grading plans to demonstrate that there will be no development or site alteration within the regulatory floodplain. Topographic data available to HCA indicates that the development area is likely proposed outside the floodplain, however this is to be confirmed based on the topographic data provided in future site plan and grading plan submissions. A full stormwater management report and associated plans supporting the servicing, grading and erosion and sediment control works should be provided in future site plan control and HCA permit applications to ensure that the site stormwater management concept meets the requirements discussed in the Upper Hannon Creek MDP.

The reach of Hannon Creek adjacent to the subject site is classified as an unconfined system. Unconfined watercourse systems are those which are not located within a defined valley. The Upper Hannon Creek MDP suggest that the meander belt of the main channel of Hannon Creek may interfere with the east (rear) limit of the subject site. Therefore, it is recommended that future site plan control and HCA permit application submissions delineate the meander belt hazard limit recommended in the Upper Hannon Creek MDP on detailed site plans and grading plans to ensure the proposed development is located outside of the meander belt hazard produced by Hannon Creek. The Upper Hannon Creek MDP provides additional information on the meander belt hazard along this reach of Hannon Creek (referred to as HC3-A in the Upper Hannon Creek MDP).

The Upper Hannon Creek MDP does not identify any existing karst features within the subject site and the closest downstream sinkhole identified in the Upper Hannon Creek MDP is approx. 250 m to the north of the property. Considering the property is in the karst sensitive area, HCA would recommend the proponent to hire a qualified karst specialist to inspect the property and ensure no karstic formations have been exposed on the property since the approval of the Upper Hannon Creek MDP.

Based on the submitted materials the proposed development is likely more than 30m from the approximate boundary of the wetland feature located to the east of the subject site. HCA staff request further information be provided during the site plan control and HCA permit process regarding the extent of the site alteration and development works, as well as the proposed stormwater management and drainage plan to confirm that all proposed works are located outside the regulated area associated with the wetland feature.

The subject property is partially regulated by HCA pursuant to the *Conservation Authorities Act* and *Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits)*. The regulated

area is associated with Hannon Creek which produces the potential for flooding and erosion hazards, as well as the area of interference associated with a wetland. Written permission from HCA may be required for the proposed development.

MNR/MMAH/CA Memorandum of Understanding – PPS Natural Hazards

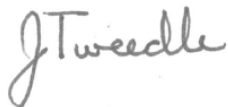
The PPS generally directs development to areas outside of hazardous lands. The subject site may be affected by flooding, erosion or unstable soils and bedrock hazards associated with Hannon Creek. HCA staff have provided comments above outlining future information required to review the detailed design of the proposed development against the natural hazard policies of the PPS during the site plan control and HCA permitting processes. It is HCA staff's opinion that the requested minor variances do not impact the ability of the development to meet the natural hazard policies of the PPS. Based on review of the materials submitted, HCA is satisfied that the application is consistent with the natural hazard policies of the PPS.

Summary

Based on the above comments, HCA would have no concerns with approval of the requested minor variances. Written permission from HCA may be required for the proposed development. It is recommended that the applicant contact HCA staff to discuss the permit application process and requirements.

Please contact the undersigned at (905) 525-2181 (ext. 164) should you have questions or if any clarification regarding these comments is required.

Sincerely,



Jeff Tweedle, M.Pl.
Conservation Planner, Watershed Management Services


Cc: Hamilton/Burlington Society for the Protection of Cruelty to Animals
GSP Group Inc. (c/o Elizabeth Farrugia)

May 7, 2024 - CoA - HCA Comments for A-24:61 for 215-225 Dartnall Rd, Hamilton

Jeff Tweedle <jtweedle@conservationhamilton.ca>

Thu 5/2/2024 10:39 AM

To:Committee of adjustment <cofa@hamilton.ca>

 1 attachments (151 KB)

A.24.61_215-225 Dartnall Rd_HCA Comments.pdf;

External Email: Use caution with links and attachments

Good morning,

The Hamilton Conservation Authority (HCA) has reviewed the May 7th Committee of Adjustment Agenda in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and is submitting comments for application A-24:61 for 215-225 Dartnall Rd, Hamilton. Please see the attached letter for comments. I have Bcc'd the applicant and their agent on this email for their information and to advise of HCA's fee.

Please note that an HCA minor variance review fee of \$684.78 (includes HST) is required for the submitted Committee of Adjustment comments. This fee is to be paid by the applicant or their agent directly to HCA. Payment can be made by cheque, e-transfer, or credit card. If paying by credit card please provide a daytime phone number at which HCA staff can contact to collect payment information.

Please contact the undersigned if you have any questions regarding the provided comments.

Regards,

Jeff Tweedle

Conservation Planner

Hamilton Conservation Authority

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Ancaster, ON L9G 4X1

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