

SUMMARY OF POLICY REVIEW

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

Theme and Policy	Summary of Policy or Issue	Staff Response
Provincial Policy Statement (2024)		
<p>Planning for People and Homes</p> <p>Policies: 2.1.4 a), b) and 2.1.6. a), b), c)</p>	<p>To meet the housing needs of current and future residents, planning authorities must ensure that land designated for residential development can accommodate at least 15 years of growth, and maintain land with sufficient servicing capacity to provide a minimum three year supply of residential units through appropriately zoned areas, including draft approved or registered plans.</p> <p>Planning authorities should promote complete communities by accommodating a diverse mix of land uses, housing, transportation options, employment, and public services to meet long-term needs; enhancing accessibility for people of all ages and abilities by addressing land use barriers; as well as improving social equity and quality of life for all, including equity deserving groups.</p>	<p>The proposed development supports housing needs by introducing a single detached dwelling on a portion of the land while preserving the remainder for agricultural use. This approach avoids lot creation or redesignation, ensures long-term agricultural viability, and maintains compatibility with surrounding land uses. By balancing residential and agricultural purposes, the proposal aligns with growth management objectives, promotes sustainability, and minimizes impacts on agricultural operations while avoiding land use conflicts.</p> <p>The proposal is consistent with these policies.</p>
<p>Rural Areas in Municipalities</p> <p>Policies: 2.5.1 g), 2.6.1 a), c), d)</p>	<p>The policy encourages the development of healthy and viable rural areas by supporting a mix of housing types in rural settlement areas. It permits residential development, including lot creation, where appropriate sewage and water services are available. Additionally, it allows for resource management, agricultural activities, and on-farm diversified uses, as long as they comply with provincial standards.</p>	<p>The proposed development aligns with the policy by supporting housing needs through the introduction of a single detached dwelling on a portion of the land, while preserving the remainder for agricultural use. This approach respects the principle of accommodating a range of housing in rural areas, without necessitating lot creation or redesignation. By ensuring the long-term viability of agricultural operations and balancing residential and agricultural purposes, the proposal meets growth management objectives, promotes sustainability, and</p>

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<p>Rural Areas in Municipalities Policies: 2.5.1 g), 2.6.1 a), c), d) (continued)</p>		<p>minimizes land use conflicts, all while maintaining compatibility with surrounding land uses.</p> <p>The proposal is consistent with these policies</p>
Greenbelt Plan (2017)		
<p>Section 1: Introduction/Definition</p> <p>Protected Countryside Goals</p> <p>Policy 1.2.2</p>	<p>The proposal must demonstrate agricultural viability and protection by safeguarding the specialty crop area land base while permitting agriculture-supportive infrastructure and value-added uses. It should support the unique role of specialty crop areas, such as the Niagara Peninsula, as vital fruit and vegetable growing regions and centres for agri-food and agritourism. Additionally, it must prevent fragmentation and loss of prime agricultural land. Environmental protection is also essential, including maintaining and enhancing natural heritage, hydrologic, and landform features, as well as protecting habitats, particularly for species at risk.</p>	<p>The subject lands are currently vacant agricultural land and are designated ‘Specialty Crop’ Areas under the Greenbelt Plan, which permits one single detached dwelling on an existing lot of record zoned for such use when the plan came into force. Zoned Conservation/Hazard Land Rural (P6) Zone, the lands allow single detached dwellings but require a Zoning By-law Amendment to permit a new single detached dwelling on a vacant lot. The proposed dwelling will occupy the eastern portion of the property, preserving the remainder as agricultural land. This approach avoids lot creation or redesignation and mitigates impacts on agricultural operations to support their long-term viability. Additionally, these lands are a lot of record that existed prior to the Greenbelt Plan which took effect in December 2004.</p> <p>The proposal complies with this policy.</p>
<p>Section 3: Geographic Specific Policies in the Protected Countryside</p> <p>Agricultural System</p> <p>Policies: 3.1; 3.1.2; 3.2; 3.2.2</p>	<p>The Protected Countryside's Agricultural System supports a productive land base and agri-food network while preserving natural heritage features like pollinator habitats and hydrologic systems. Specialty Crop Area policies protect agricultural uses, discourage lot fragmentation, and ensure compatibility with surrounding operations to maintain agricultural viability. The Natural Heritage System integrates sensitive features and requires new development to avoid negative</p>	<p>The subject lands, designated “Specialty Crop” as part of the ‘Niagara Peninsula Tender Fruit and Grape Area’ and the Natural Heritage System, are currently vacant agricultural land. A Zoning By-law Amendment is required to permit a new single detached dwelling on the eastern portion of the property, as the current zoning prohibits new dwellings on vacant lots. The placement of the dwelling avoids impacts on provincially significant woodlands, preserves agricultural land, and supports long-term agricultural viability. The proposed development meets MDS 1 setback requirements due to no livestock facilities in the surrounding</p>

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<p>Section 3: Geographic Specific Policies in the Protected Countryside</p> <p>Agricultural System</p> <p>Policies: 3.1; 3.1.2; 3.2; 3.2.2</p> <p>(continued)</p>	<p>impacts, ensuring long-term sustainability and connectivity of natural and agricultural systems.</p>	<p>area, aligns with surrounding land uses, and will not negatively impact Natural Heritage features.</p> <p>The proposal complies with this policy.</p>
<p>Section 4: General Policies for the Protected Countryside</p> <p>General Non-Agricultural Use Policies</p> <p>Policies: 4.1; 4.5</p>	<p>Non-agricultural uses are generally prohibited in specialty crop and prime agricultural areas, except as permitted under specific policies. Proposals must demonstrate suitability for rural lands, appropriate servicing, and no negative impacts on natural heritage or biodiversity. Single dwellings are allowed on existing lots of record zoned for such use when the Greenbelt Plan took effect, with municipalities encouraged to prioritize agricultural uses.</p>	<p>A single detached dwelling is permitted on the subject lands under the existing zoning, but a Zoning By-law Amendment is required to allow construction of a new dwelling on a vacant lot. The proposed dwelling, situated in the eastern portion of the property, preserves natural heritage features and agricultural uses while aligning with the rural character of the area. It will be serviced by private water and sewage systems.</p> <p>The proposal complies with this policy.</p>
Rural Hamilton Official Plan		
<p>Chapter B: Communities</p> <p>Archeology Policies</p> <p>Policy: B.3.4.4</p>	<p>An archaeological assessment is required for applications involving site alteration or soil disturbance in areas of archaeological potential.</p>	<p>A Stage 1 and limited Stage 2 archaeological assessment (P244-0263-2023 & P244-0301-2023) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While Provincial sign-off is pending, Staff concur with the report recommendations, confirming the archaeology condition is satisfied.</p> <p>The proposal complies with this policy.</p>

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<p>Chapter B: Communities</p> <p>Hazard Lands Policy: B.3.6.5</p>	<p>Hazard lands are regulated by Conservation Authorities, and development is prohibited in these areas. The portion of properties containing hazard lands must be identified through zoning.</p>	<p>The dwelling is located outside the regulatory flooding hazard. The Hamilton Conservation Authority has no concerns regarding erosion hazards, ensuring public health and safety.</p> <p>The proposal complies with this policy.</p>
<p>Chapter B: Communities</p> <p>Road Traffic Noise and Vibration Policy: B.3.6.3.9</p>	<p>A noise feasibility and detailed noise study will be required by the City prior to or at the time of application submission for residential or noise-sensitive developments located within 400 metres of an arterial road.</p>	<p>The proposed development, located within 400 metres of Tapleytown Road (classified as an arterial road under Schedule C – Rural Functional Road Classification), requires a noise study due to its proximity. However, a noise letter from dBA Acoustical Consultants (dated January 28, 2025) confirms that traffic noise will not impact the proposed single detached dwelling, in compliance with the relevant policies and guidelines.</p> <p>The proposal complies with this policy.</p>
<p>Chapter C: City Wide Systems and Designations</p> <p>Protected Countryside Policy: C.1.2.2</p>	<p>All development or site alteration proposals within lands identified as Greenbelt Plan Protected Countryside and Specialty Crop, and designated Agriculture, Specialty Crop, Rural, Open Space, and Utilities, must comply with this Plan, the Zoning By-law, and the Greenbelt Plan. In case of discrepancies between these documents, the most restrictive policies shall apply.</p>	<p>The subject lands, currently vacant agricultural land, are identified as “Specialty Crop” in the Greenbelt Plan and designated “Specialty Crop” on Schedule D – Rural Land Use Designations, which permits one single detached dwelling on an existing lot of record zoned for such use when the plan came into force. Zoned Conservation/Hazard Land Rural (P6) Zone, the lands allow single detached dwellings but require a Zoning By-law Amendment to permit a new single detached dwelling on a vacant lot. The proposed detached dwelling will occupy approximately 1,061 square metres of the total 161,792. square metres of land, representing less than 1% of the total area.</p> <p>The dwelling will be located on the eastern portion, preserving the remainder as agricultural land, avoiding lot creation or redesignation, and mitigating impacts on agricultural operations to support long-term viability.</p> <p>The proposal complies with this policy.</p>

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<p>Chapter C: City Wide Systems and Designations</p> <p>Natural Heritage System – Core Areas and Rural Area General Provisions</p> <p>Policies: C.2.3.1; C.2.3.3; C.2.4.1; C.2.4.5; C.2.4.6; C.2.4.7;</p>	<p>The Greenbelt Plan identifies a Natural Heritage System within the Protected Countryside, including Core Areas that contain key natural heritage and hydrologic features. Development or site alteration within or adjacent to these Core Areas must not negatively impact their environmental features or ecological functions. Permitted uses in these areas include existing agricultural uses, conservation, passive recreation, and infrastructure projects. A dwelling may be permitted on an existing lot of record within or adjacent to Core Areas, provided impacts on the natural features are minimized. New development requires an Environmental Impact Statement to ensure no negative impacts on ecological functions and that connectivity between Core Areas is maintained. Non-agricultural uses must demonstrate that at least 30% of the site will return to natural vegetation, and that the development is compatible with the natural surroundings.</p>	<p>The subject lands are part of the Greenbelt Natural Heritage System's Core Area within the Protected Countryside, adjacent to natural features such as Key Natural Heritage Features, Significant Woodlands, the Vinemount Moraine Earth Science Area of Natural and Scientific Interest (ANSI) and a watercourse regulated by the Hamilton Conservation Authority.</p> <p>While the lands are designated as a provincially significant woodland, the proposed dwelling is in the eastern portion of the property, outside the woodland, occupying less than 1% of the total area which minimizes the impact on the natural heritage feature. According to Policy C.2.4.1 and C.2.4.5, existing uses like a single detached dwelling are permitted in Core Areas. Natural Heritage Planning staff have no objections to the development.</p> <p>While a 30 metre vegetation protection zone is typically required for ANSIs, the geological nature of the feature makes this difficult. As long as the proposed dwelling does not significantly alter the landform, the impact on the ANSI will be minimal. The property is zoned Conservation/Hazard Lands Rural (P6) Zone due to the ANSI, and staff have modified the proposed Zoning By-law Amendment to rezone only the area proposed for development, including the septic system, as shown in the Grading Plan.</p> <p>The proposal complies with this policy.</p>

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<p>Chapter C: City Wide Systems and Designations</p> <p>Infrastructure</p> <p>Policies: C.5.1; C.5.1.1</p>	<p>Policy 5.1.1 requires that no development proposals in Rural Hamilton that could impact or involve private services be approved until the following conditions are met: a) Development proponents must submit complete information regarding existing or proposed private water and wastewater services to the satisfaction of the City. If sufficient information is unavailable for a full assessment, a hydrogeological study report must be submitted in accordance with the Hydrogeological Study Guidelines.</p>	<p>Source Water Protection staff reviewed the Hydrogeological Report, prepared by Egis and dated June 4, 2024, and commented that several revisions and clarifications are required. A plan demonstrating the locations of the private well, septic system, and reserve area bed, ensuring compliance with Ontario Building Code Section 8 clearances, is needed. Additionally, the plan should clearly delineate all relevant features. Further details on the well survey program, including coverage of a 500m radius, are also requested.</p> <p>The owner/applicant must confirm the number of proposed bedrooms and revise the pumping test analysis to accommodate the additional water demand. Additionally, the proponent should address the sustainability of the proposed pumping rate and provide missing water quality parameters, including those for pesticides and chemicals. Treatment options for total dissolved solids and UV treatment for total coliform exceedances should also be clarified. A septic design report is required to demonstrate compliance with the Ontario Building Code's separation requirements, and nitrate boundary calculations must be updated to reflect the correct number of bedrooms.</p> <p>The recommended Zoning By-law includes a Holding Provision to require a revised Hydrogeological Report (see Appendix B attached to Report PED225048).</p> <p>The proposal complies with this policy, subject to the Holding Provision.</p>

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<p>Chapter C: City Wide Systems and Designations</p> <p>Rural Area General Provisions</p> <p>Policy: C.3.1.4</p>	<p>A maximum of one dwelling per lot is permitted in the Agriculture, Specialty Crop, and Rural designations where residential uses are allowed, as per Sections D.2.1.1.6 and C.3.1.4(b) and (c) of the Official Plan. The Zoning By-law enforces this limit in applicable designations.</p>	<p>The lands were previously zoned Agricultural “A” Zone under the former City of Stoney Creek Zoning By-law No. 3692-92, which permitted a single detached dwelling until the lands were added to the P6 Zone in Zoning By-law No. 05-200. Since this zoning allowed a dwelling when the Greenbelt Plan took effect in December 2004, the proposed Zoning By-law Amendment complies with this policy. The development aligns with the policy by permitting a single detached dwelling on the lot, consistent with zoning regulations that limit residential uses to one dwelling per lot in designated areas. The dwelling will be located on the eastern portion of the property, preserving the remainder for agricultural use, minimizing impacts on farming, and supporting long-term agricultural viability while adding rural housing options.</p>
<p>Chapter D and Chapter F: Rural Systems, Designations and Resources; and Implementation</p> <p>Specialty Crop Designation; Non-Conforming and Non-Complying Uses</p> <p>Policies: D.3.1; D.3.2.1; D.3.2.2; F.1.12.6</p>	<p>The Specialty Crop designation permits agricultural, agricultural-related, and secondary uses, as outlined in Section D.2.0 of this Plan. Lands in this designation cannot be redesignated for non-agricultural uses, and development within a provincial plan area must comply with Section C.1.0 of the Plan, as well as Sections D.2.2.3 and D.2.2.4. A single detached dwelling may be permitted on an existing vacant legal lot of record, provided it complies with the Natural Heritage System and sustainable private water and wastewater services policies, has frontage on an open public street, and is zoned for a single detached dwelling as of December 16, 2004, or meets specific zoning amendment conditions if required for a severance granted before December 14, 2003.</p>	<p>The subject property is within the Rural Hamilton Official Plan (RHOP) and the Greenbelt Natural Heritage System, with a Core Area identified as the Vinemount Moraine Earth Science Area of Natural and Scientific Interest (ANSI). This ANSI represents geological diversity, including bedrock exposures, fossil beds, and landforms, and also contains a regulated watercourse. While a 30-metre Vegetation Protection Zone (VPZ) is typically required, this may not be feasible due to the site's geological nature. If excavation is minimal and does not alter the landform, impacts are expected to be limited.</p> <p>The property has frontage on Tapleytown Road and Powerline Road, with access proposed via an access easement over the Hydro One corridor along Powerline Road. A blanket rezoning is not supported, and any modification should be limited to the development area, including the septic system, as shown in the Grading Plan (May 31, 2023). While the P6 Zone permits a single</p>

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<p>Chapter D and Chapter F: Rural Systems, Designations and Resources; and Implementation</p> <p>Specialty Crop Designation; Non-Conforming and Non-Complying Uses</p> <p>Policies: D.3.1; D.3.2.1; D.3.2.2; F.1.12.6</p> <p>(continued)</p>		<p>detached dwelling, a Zoning By-law Amendment is required to permit a new single detached dwelling. The lands were previously zoned Agricultural “A” Zone under the former City of Stoney Creek Zoning By-law No. 3692-92, which permitted a single detached dwelling until the lands were added to the P6 Zone in Zoning By-law No. 05-200. Since this zoning allowed a dwelling when the Greenbelt Plan took effect in December 2004, the proposed Zoning By-law Amendment complies with this policy.</p> <p>The proposed dwelling will be on the eastern portion of the property, preserving the remainder for agriculture, minimizing impacts on farming, and supporting long-term agricultural viability while adding rural housing options.</p> <p>The Hydrogeological Report, prepared by Egis and dated June 4, 2024, requires revisions and clarifications, particularly regarding private well and septic system placement. The recommended Zoning By-law includes a Holding Provision to address this matter (see Appendix B attached to Report PED225048).</p> <p>The proposal complies with this policy, subject to the Holding Provision.</p>