



City of Hamilton

Report for Consideration

To: Chair and Members
Planning Committee

Date: April 14, 2026

Report No: PED26083

Subject/Title: Applications for a Zoning By-law Amendment and
Draft Plan of Subdivision for Lands Located at 36
Taylor Crescent, Flamborough

Ward(s) Affected: Ward 13

Recommendations

- a) That **Zoning By-law Amendment Application ZAC-25-037, by GSP Group Inc. (c/o Craig Rohe) on behalf of LaRey Homes (Group) Ltd., Owner**, for a change in zoning from the Settlement Residential (R2-14(H)) Zone, Modified, Holding, to a site specific Settlement Residential (S1) Zone, to permit the development of 12 single detached dwellings, for lands located at 36 Taylor Crescent, as shown in Appendix "A" to Report PED26083, **BE DENIED** on the following basis:
- (i) The proposal does not have regard for Section 2 of the *Planning Act*, is not consistent with the Provincial Planning Statement (2024), does not conform to the Greenbelt Plan (2017), and does not comply with the Rural

Hamilton Official Plan and the Greensville Rural Settlement Area
Secondary Plan as:

1. It does not comply with infrastructure policies for private water and sewage disposal, stormwater management policies, and policies with respect to hydrogeological studies, in the Rural Hamilton Official Plan;
2. It does not comply with the City's servicing policies, stormwater management policies, and phasing policies of the Greensville Rural Settlement Area Secondary Plan;
3. It has not been demonstrated that there is adequate groundwater to service the proposed development and that it will not adversely impact the available groundwater of the surrounding area;
4. It has not been demonstrated that the lots will be of sufficient size to provide a sustainable sewage disposal system that complies with the Ontario Drinking Water Standard;
5. It does not comply with the Mid-Spencer Creek/Greensville Rural Settlement Area Subwatershed Study;
6. It has not satisfied the City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services;
7. It has not been demonstrated that areas of archaeological potential are sufficiently assessed;
8. It has not been demonstrated that trees have been sufficiently protected;
9. It has not been demonstrated that matters of odour and noise impacts have been adequately assessed; and,
10. It is not considered to be good planning as the reduction in lot size represents an overdevelopment of the subject lands.

- b) That **Draft Plan of Subdivision 25T-202508, by GSP Group Inc. (c/o Craig Rohe) on behalf of LaRey Homes (Group) Ltd., Owner**, to establish a Draft Plan of Subdivision consisting of 12 lots, a municipal right-of-way (Street “A”) and pedestrian walkway, on lands located at 36 Taylor Crescent, as shown on Appendix “A” to Report PED26083, **BE DENIED** in accordance with By-law No. 07-323 being the delegation of the City of Hamilton’s Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:
- i. The Draft Plan of Subdivision does not have regard to the *Planning Act* for matters of provincial interest in Section 2, and does not appropriately address the criteria set out in Sub-Section 51(24);
 - ii. The Draft Plan of Subdivision is not consistent with the Provincial Planning Statement (2024);
 - iii. The Draft Plan of Subdivision does not conform to the Greenbelt Plan (2017);
 - iv. The Draft Plan of Subdivision does not comply with the Rural Hamilton Official Plan and Greensville Rural Settlement Area Plan as:
 - (1) It does not comply with infrastructure policies for private water and sewage disposal, stormwater management policies, land division policies, and policies with respect to Hydrogeological Studies;
 - (2) It does not comply with City’s servicing policies, stormwater management policies, and phasing policies of the Greensville Rural Settlement Area Secondary Plan;
 - (3) It has not been demonstrated that there is adequate ground water to service the proposed development and that it will not adversely impact the available groundwater of the surrounding area;
 - (4) It has not been demonstrated that the lots will be of sufficient size to provide a sustainable sewage disposal system that complies with the Ontario Drinking Water Standard;

- (5) It does not comply with the recommendations of the Mid-Spencer Creek/Greensville Rural Settlement Area Subwatershed Study;
- (6) It has not satisfied the City of Hamilton's Guidelines for Hydrogeological Studies and Technical Standards for Private Services;
- (7) It has not been demonstrated that areas of archaeological potential are sufficiently assessed;
- (8) It has not been demonstrated that trees have been sufficiently protected;
- (9) It has not been demonstrated that matters of odour and noise impacts have been adequately assessed; and,
- (10) It is not considered to be good planning as the proposed lot sizes represents an overdevelopment of the subject lands.

Key Facts

- The purpose of the Zoning By-law Amendment application is for a change in zoning from the Settlement Residential (R2-14(H)) Zone, Modified, Holding, to a site specific Settlement Residential (S1) Zone.
- The effect of the proposed Zoning By-law Amendment is to permit a reduction in the minimum required lot area and lot frontage and increase the maximum building height that is required in the Zoning By-law.
- The purpose of the Draft Plan of Subdivision application is to establish 12 lots for single detached dwellings, one block for a new municipal road (Street "A"), and one block for a new pedestrian walkway.
- Staff recommends denial of the applications for Zoning By-law Amendment and Draft Plan of Subdivision.

Financial Considerations

Not applicable.

Analysis

The subject lands are located within the Greensville Rural Settlement Area on the south side of Taylor Crescent, west of Brock Road and south of Highway No. 5 West, as shown on Appendix “A” to Report PED26083. The subject lands are 7.53 hectares in size and irregular in shape with frontage on Taylor Crescent. Existing and surrounding land uses and zoning are provided in Appendix “A1” attached to Report PED26083.

The effect of the proposal is to permit the development of 12 single detached dwellings, with one additional lot to be created by way of a future application for consent, a new municipal right-of-way (Street “A”) which will connect to Taylor Crescent, and a pedestrian walkway, as shown on Appendix “B” attached to Report PED26083. Municipal water and sanitary sewers are not available nor proposed and therefore, the proposed single detached dwellings will be required to be serviced by private water and sewage disposal systems.

Planning Act

Section 2 of the *Planning Act* describes the matters of provincial interest that municipalities shall have regard to when carrying out their responsibilities under the *Planning Act*. These interests include the supply, efficient use and conservation of water, the adequate provision of sewage and water services, and the orderly development of safe and healthy communities, amongst others.

The subject property is proposed to be served through private water and sewage systems and it has not been demonstrated that there is an adequate supply of water, an adequate provision of sewage and water services, and that there will be no adverse

impacts on the health and safety of the community. Therefore, the proposal has not demonstrated regard for the matters of provincial interest.

Section 51(24) of the *Planning Act* describes the criteria for considering a Draft Plan of Subdivision and requires that regard shall be had to the health, safety, and welfare of present and future inhabitants. As outlined in detail in the Policy Review in Appendix “D” attached to Report PED26083, the proposal has not appropriately addressed the criteria for consideration of Draft Plan of Subdivisions under Section 51(24) of the *Planning Act*.

Provincial Planning Statement (2024)

The subject lands are located within a “Rural Settlement Area” which is to be the focus of growth and development in the rural areas of municipalities.

The policies of the Provincial Planning Statement (2024) require that a healthy, integrated, and viable rural area should be supported by using rural infrastructure efficiently, and that planning authorities shall consider the scale of development and the provision of appropriate service levels. Planning for sewage and water services shall ensure that a servicing strategy can be sustained by water resources upon which it relies upon, protects human health and safety through the quality and quantity of water, and aligns with comprehensive municipal planning for these services.

It has not been demonstrated that there is adequate groundwater available, that the lots can be sustained by available water resources and rely on sufficient reserve sewage system capacity, that there are no adverse impacts on the surrounding area, and that human health and safety is protected. A full review of the applicable Provincial Planning Statement (2024) policies is provided in Appendix “D” attached to Report PED26083. Based on the foregoing, the applicant has not demonstrated that the proposal is consistent with the Provincial Planning Statement (2024).

Greenbelt Plan (2017)

The subject property is located within the Protected Countryside in the Greenbelt Plan and is identified as a Hamlet. The Hamlet policies of the Greenbelt Plan state that hamlets are typically serviced with individual onsite sewage and water services. While growth is not to be directed to hamlets, the policies allow limited growth through infill and intensification, subject to, among other matters, appropriate water, and sewage services.

The Greenbelt Plan policies require Planning authorities to provide for a comprehensive, integrated, and long term approach for the protection, improvement and restoration of the quality and quantity of water. Municipal decisions regarding the allocation of growth and watershed planning should be informed by a comprehensive, integrated, and long term approach to the protection, enhancement or restoration of the quality and quantity of water within a watershed.

The Mid-Spencer Creek/Greensville Rural Settlement Area Subwatershed Study requires a minimum lot area of 0.7 hectares per lot, which are based on assessments that estimate how nitrates from the site and surrounding area could affect groundwater. A Hydrogeological Assessment was submitted with the applications and confirms that lots less than 0.7 hectares are expected to exceed the maximum nitrate level of 10.0 mg/L per lot if serviced with conventional septic systems. The proposed development does not comply with the Ontario Drinking Water Standards.

The proposal has not demonstrated that the long term protection of the quality and quantity of water can be achieved and has not satisfied the Greenbelt Plan policies that allow limited infill and intensification of Hamlets, subject to appropriate water and sewage services. A full review of the applicable Greenbelt Plan policies is provided in Appendix "D" attached to Report PED26083. Based on the foregoing, the proposed development does not conform to the Greenbelt Plan.

Rural Hamilton Official Plan and Greensville Rural Settlement Area Secondary Plan

The subject lands are identified as “Rural Settlement Areas” on Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan and are further designated “Settlement Residential” in the Greensville Rural Settlement Area Secondary Plan. A full policy analysis of the applicable Rural Hamilton Official Plan and Greensville Rural Settlement Area Secondary Plan policies is provided in Appendix “D” attached to Report PED26083.

Single detached dwellings represent the predominate land use in “Rural Settlement Areas” and for lands designated “Settlement Residential.” The proposal complies with the policies of the Rural Hamilton Official Plan and Greensville Rural Settlement Area Secondary Plan regarding the proposed residential land use.

The Rural Hamilton Official Plan policies do not permit draft approval of a plan of subdivision to be granted by the City for any development in Rural Hamilton that does not comply with the infrastructure policies in Section C. Policy C.5.1.1 which requires that the applicant submit a hydrogeological study in accordance with section F.3.2.5. Policy C.5.1.1 requires new proposed lots, to be created by a Draft Plan of Subdivision and serviced by private water and sewage systems, to be of a sufficient size to accommodate the water and sewage disposal systems with acceptable onsite and offsite impacts. Furthermore, private water supply and sewage disposal systems must be capable of sustaining the proposed and existing uses within acceptable levels of onsite and offsite water quality and quantity impacts, including nitrate impacts.

The land division policies of the Rural Hamilton Official Plan permit the City to approve those plans that can be supplied with adequate services. The Greensville Rural Settlement Area Secondary Plan requires a proposed servicing strategy be based on a hydrogeological study to the satisfaction of the City which must demonstrate that an

adequate supply of water is available and that there will be no adverse effects on the quality and quantity of groundwater and surface water.

In response to these policies, the City of Hamilton prepared implementation tools such as the Guidelines for Hydrogeological Studies and Technical Standards for Private Services, which were adopted by Council in November 2013, revised in February 2023, and approved by Planning Committee on March 21, 2023, under Report PW20082(a)/PED23047. Appendix D of the guidelines states that the City of Hamilton does not support the use of advance septic system treatment units as it relates to justifying a development approval on undersized, privately serviced lots.

The City of Hamilton does not have the authority to ensure monitoring or enforcement of the proper function or long term use of the advance treatment systems, as there is no mechanism in place to prevent an owner from replacing an advance treatment system with a conventional sewage disposal system. A specific septic system technology cannot be tied to a property in perpetuity and the best approach to reduce public health risks is to require that the proposed lot be able to accommodate all septic system pollution within the property limits regardless of the proposed technology. The proposed undersized lots do not protect for exceedances in nitrate levels which could migrate beyond property limits, and therefore could result in increased public health and water quality risks.

The Hydrogeological Assessment and Pumping Test Report submitted with the applications has identified that the proposed lots would exceed the Ontario Drinking Water Standard with respect to nitrates based on a conventional sewage treatment system. The applicant's Hydrogeological Assessment has not been prepared in accordance with the policies in Section F.3.2.5 or the Hamilton Water Guidelines for Hydrogeological Studies and Technical Standards for Private Services as it seeks compliance with the Ontario Drinking Water Standard through the use of an advance treatment system.

In addition, the Hydrogeological Assessment and Pumping Test Report that were submitted have not demonstrated an adequate sustainable water supply to service the proposed development resulting in potential onsite and offsite impacts. The proposed development has not demonstrated that the proposed lot size is appropriate to accommodate the sewage disposal system with acceptable onsite and offsite impacts nor ensure the sustainability of such systems.

The policies under Section C.5.4 of the Rural Hamilton Official Plan require the City to ensure that appropriate stormwater management facilities are built and maintained to provide a safe and secure system for stormwater. The Mid-Spencer Creek/Greenville Rural Settlement Area Subwatershed Study identifies a wet pond for stormwater quantity and quality control on a portion of the subject lands, and the proposed development does not include a stormwater management pond. The proposed development is not providing the appropriate stormwater management facilities and the Stormwater Management Plan has not been approved.

An Odour Impact Assessment was prepared and submitted which evaluated odour impacts from the Darling Dundas Rendering Plant to the northwest of the subject lands. The Odour Impact Assessment concluded that odour complaints from the Darling facility are unlikely to occur and that adverse odour effects are very unlikely to occur. The City of Hamilton requires the Odour Impact Assessment to be peer reviewed. Until the peer review is complete, a final determination of potential odour impacts and whether the proposal complies with all applicable legislation, standards and guidelines cannot be made.

The subject lands are located within Major Development Area A on Map 8b – Greenville Major Development Areas, in the Greenville Rural Settlement Area Secondary Plan. The phasing policies under section A.3.5.14 limit draft approval of plan of subdivisions and final plan registration within each Major Development Area to 12 lots. The Ontario Land Tribunal issued approval of a Draft Plan of Subdivision in August 2025 for 18 lots at 655 Cramer Road, which falls within Major Development Area A. The Province and the City are required to be satisfied that there are no outstanding

problems related to servicing or impacts on surface and/or ground water by earlier phases of development before subsequent phases can proceed. Therefore, the development of 655 Cramer Road would need to be built out and monitored before other phases of development within Major Development Area A can be approved.

Based on the foregoing, the proposal does not comply with the Rural Hamilton Official Plan and Greensville Rural Settlement Area Secondary Plan.

Town of Flamborough Zoning By-law No. 90-145-Z

The subject property is zoned Settlement Residential (R2-14(H)) Zone, Modified, Holding, in the Town of Flamborough Zoning By-law No. 90-145-Z which permits single detached dwellings and requires a minimum lot area of 8,000 square metres as well as a minimum lot frontage of 35.0 metres. The proposed lots would not comply with the minimum lot area of 8,000 square metres and some of the proposed lots would not comply with the minimum lot frontage of 35.0 metres. A Zoning By-law Amendment is required to establish a reduced minimum lot area and reduced minimum lot frontage.

City of Hamilton Zoning By-law No. 05-200

To facilitate the development proposal, the applicant has requested to rezone the lands to a site specific Settlement Residential (S1) Zone in Zoning By-law No. 05-200. The Settlement Residential (S1) Zone requires a minimum lot area of 0.4 hectares (4,000 square metres), a minimum lot width of 30.0 metres, and a maximum building height of 10.5 metres. The proposed lots would comply with the minimum lot area requirement. A site specific modification to reduce the minimum lot width to 20.5 metres and to increase the maximum building height to 11.0 metres is proposed.

Rationale for Recommendation

1. The proposal does not have merit and cannot be supported for the following reasons:
 - (i) It is premature as it has not been demonstrated that it has regard to Section 2 and Section 51(24) of the *Planning Act*;
 - (ii) It has not been demonstrated that it is consistent with the Provincial Planning Statement (2024), conforms to the Greenbelt Plan (2017), or complies with the Rural Hamilton Official Plan and Greensville Rural Settlement Area Secondary Plan including the policies with respect to the division of land, infrastructure, stormwater management, and the requirement that development ensure adequate provision of private water and private sewage disposal systems;
 - (iii) It has not been demonstrated that the lots will be of sufficient size to provide a sustainable sewage disposal system that complies with the Ontario Drinking Water Standard;
 - (iv) It does not comply with the Mid-Spencer Creek/Greensville Rural Settlement Area Subwatershed Study;
 - (v) It has not satisfied the City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services;
 - (vi) It has not been demonstrated that areas of archaeological potential are sufficiently assessed;
 - (vii) It has not been demonstrated that trees have been sufficiently protected;
 - (viii) It has not been demonstrated that matters of odour and noise impacts have been adequately assessed; and,
 - (ix) It is not considered to be good planning as the reduction in lot size represents an over development of the subject lands.

2. Zoning By-law Amendment

The concerns with respect to the Zoning By-law Amendment is that the application facilitates a residential development with reduced lot sizes. The applicant has not demonstrated that the development will comply with the policies of the Rural Hamilton Official Plan, including, but not limited to ensuring that there is adequate provision of private water to service the proposed development while maintaining current water levels for the surrounding area, nor demonstrated that the lots are of sufficient size to provide a sustainable sewage disposal system that will not result in health and safety impacts on the surrounding area.

To develop the subject lands in accordance with Provincial and City policies, the proposal would need to be revised to increase the minimum size of the proposed lots which would result in a decrease in the number of lots. Revised studies, including a Hydrogeological Assessment and Well Testing, would be required to support an amended proposal which demonstrates to the City's satisfaction that the development will comply with the policies of the Rural Hamilton Official Plan respecting private water and sewage disposal systems that will not have adverse health and safety impacts to the proposed lots and the surrounding area.

As the proposal does not comply with the Rural Hamilton Official Plan, staff do not support the proposed Zoning By-law Amendment.

Staff have corresponded with the applicant on multiple occasions and at the time of writing Report PED26083 a solution has not been proposed that includes a reduction in the number of lots and demonstrates compliance with the policies of the Rural Hamilton Official Plan.

3. Draft Plan of Subdivision

In review of Sub-Section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed Plan of Subdivision, staff advise that:

- (a) It does not have regard to the matters of provincial interest under section 2 of the *Planning Act*;
- (b) It is not consistent with the Provincial Policy Statement (2024) and does not conform to the Greenbelt Plan (2017);
- (c) It is premature and not in the public interest;
- (d) It does not comply with the applicable policies of the Rural Hamilton Official Plan and Greensville Rural Settlement Area Secondary Plan;
- (e) It is not suitable for the purpose for which it is to be divided;
- (f) The dimensions and shapes of the lots are not sufficient to achieve adequate private servicing;
- (g) It is not suitable based on the restrictions on the lands proposed to be subdivided; and,
- (h) It will not be adequately serviced.

Staff do not support the proposed Draft Plan of Subdivision.

Alternatives

1. Should the applications be approved, staff be directed to prepare the Zoning By-law Amendment and Draft Plan of Subdivision Special Conditions consistent with the Concept Plan and Draft Plan of Subdivision provided in Appendix “B” to Report PED26083 with the inclusion of Holding ‘H’ Provisions and/or Draft Plan of Subdivision conditions, to address matters including, but not limited to the resubmission of a revised Hydrogeological Assessment, Pumping Test Report, Stormwater Management Report, Archaeological Assessment, Tree Protection Plan, Noise Impact Study and Odour Assessment, and any other necessary requirements to implement Council’s direction. However, staff are not recommending this alternative based on the need for a revised Hydrogeological Assessment, Pumping Test Report and Stormwater Management Report which will result in a re-design of the proposal to have regard to the *Planning Act*, to be

consistent with the Provincial Planning Statement (2024), conform to the Greenbelt Plan (2017), and comply with the policies of the Rural Hamilton Official Plan and Greensville Rural Settlement Area Secondary Plan.

Relationship to Council Strategic Priorities

Priority 1: Sustainable Economic & Ecological Development

- 1.1: Reduce the burden on residential taxpayers
- 1.2: Facilitate the growth of key sectors.

Priority 2: Safe & Thriving Neighbourhoods

- Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. A comment summary and responses are provided in Appendix “E” to Report PED26083.

The applicant held a Public Consultation meeting on August 19, 2025, at the Millgrove Community Centre. A circulation was delivered to existing homes and buildings within 300 metres of the subject lands. Based on the summary provided by the applicant, approximately 15 individuals attended the meeting. Individuals expressed concerns related to water quality and availability, preservation of trees, timing of construction, water drainage and cumulative impacts of traffic and groundwater resulting from the development at 655 Cramer Road combined with the subject proposal. The public consultation summary is included in Appendix “G” to Report PED26083.

At the time of writing Report PED26083, 14 comments were received from the public. The comments included 12 letters expressing concerns with respect to impact on

groundwater quality and quantity, loss of greenspace, loss of agricultural lands, school capacity, traffic impacts, limited road access, construction impacts, and housing affordability. Two letters of support for the development were received. A summary of the written submissions with staff responses is provided in Appendix “F” to Report PED26083.

Appendices and Schedules Attached

Appendix A: Location Map

Appendix A1: Existing Land Use and Zoning Chart

Appendix B: Concept Plan

Appendix C: Historical Background and Report Fact Sheet

Appendix D: Policy Review

Appendix E: Department and Agency Comments

Appendix F: Public Comments

Appendix G: Public Consultation Summary

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