

Added Communication Respecting Item 501

SUSAN D. ROGERS

LAW OFFICE

SUITE 200, 4275 VILLAGE CENTRE COURT

MISSISSAUGA, ONTARIO, L4Z 1V3

PHONE: 905 275 0001 FAX: 905 275 0051

March 30, 2011

City of Hamilton
Hamilton City Centre
77 James Street North
Hamilton, Ontario
L8R 2K3

Attention: His Worship, Mayor Bratina
And Members of Council

Dear Sirs and Mesdames:

Re: Minister's Decision on City of Hamilton Urban Structure Plan dated March 16, 2011
Our Clients: Owners of lands – Twenty Road East
Council Meeting April 5, 2011 Considering Minister's Decision

I represent approximately 25 owners of land in the Twenty Road East area of the City of Hamilton. As you are aware, I have, together with the planning expert for the Twenty Road Landowners Group, Maria Gatzios, made numerous representations to the City and to the Ministry pointing out that the identification of the Elfrida area in Policy 2.2.1 of the Urban Official Plan, as the area designated for future growth in the City of Hamilton, was contrary to provincial policy. We made similar representations with respect to Special Policy Area "B" in the Rural Official Plan.

We took this position for the following reasons:

1. Special Policy "B" of the Rural Official Plan and Section 2.2.1 of the Urban Official Plan constitute a designation of land for future urban development and therefore constitute a de facto urban boundary expansion.
2. The GRIDS background study has determined (and our studies have confirmed) that there is no need for urban expansion at this time. The City's projected short to mid-term residential growth can be accommodated within the existing boundary.
3. Under the Provincial Policy Statement the Province requires that the expansion of an urban boundary only be permitted after a comprehensive review at the time of the expansion, based on the need for additional land, the suitability of the area and the

avoidance of prime agricultural areas. Therefore, a further comprehensive study using up to date information must be completed before the City can identify any area in the City of Hamilton as a future urban area.

The Minister, in its decision on the Rural Official Plan, modified the Plan by removing Special Policy Area B. Consistent with his decision on the Rural Plan, the Minister deleted Policy 2.2.1 in the Urban Plan as not in conformity with Provincial Policy. These are positions which are clearly supported by the in-force provincial policy documents.

We are writing to request therefore, that the City accept the clear language of the provincial policies and the clear intent of the Province and instruct staff not to appeal that part of the Minister's decision relating to Policy 2.2.1 just as the City did not appeal the Minister's decision when the Minister deleted Special Policy Area "B" in the Rural Plan.

We would expect that that the City would want to avoid the expenditure of taxpayer dollars fighting a decision of the Minister which has been consistent, not only in Hamilton, but across the Province. We are not aware of any area of the Province where the Minister has allowed the identification of an urban boundary expansion area, in the absence of an identified and current need.

We are therefore respectfully requesting that when Council considers the decision of the Minister on the Urban Official Plan on April 5, 2011, that it instruct staff not to appeal the Minister's decision in on the deletion of Policy 2.2.1.

All of which is respectfully submitted.

Yours truly,



SUSAN D. ROGERS
Barrister and Solicitor

c.c Members of Council
 Clerk, City of Hamilton
 Ms. Maria Gatzios, Gatzios Planning & Development Consultants Inc.
 Mr. Carmen Chiaravalle, c/o Twenty Road Landowners
 Ms. Elaine Vynn, c/o Twenty Road Landowners

Added Communication Respecting 5.1

Rawlings, Alexandra

From: Ed Fothergill [edf@nas.net]
Sent: Thursday, March 31, 2011 2:38 PM
To: Rawlings, Alexandra
Cc: 'Frisina, Filomena'; 'Al Frisina'; 'Ralph Severino'; David Tang; McCabe, Tim; Janssen, Bill
Subject: City of Hamilton Urban Official Plan - Appeal by 1507565 Ontario Inc.
Attachments: appeal of new urban hamilton op.pdf; Letter-Robert Pasuta-Mar-31-11.pdf

Dear Alexandra,

Please find enclosed an appeal to the City of Hamilton Urban Official Plan that was submitted on behalf of my client by Mr. David Tang. I have also enclosed a cover letter directed to the Chair of Planning Committee that highlights the rationale for our appeal. I look forward to the possibility of appearing as a delegation at the upcoming Planning Committee meeting next Tuesday, April 5th.

In the meantime, can you please distribute the attached cover letter and appeal letter to members of the Committee and staff.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Ed Fothergill, MCIP, RPP
President
Fothergill Planning & Development Inc.
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Ancaster, ON L9K 1E1
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F: 905-546-0545
edf@nas.net

4/1/2011



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March 31, 2011

VIA FACSIMILE AND MAIL

Mr. Larry Clay
Regional Director
Ministry of Municipal Affairs and Housing
Municipal Services Offices
Central Ontario
777 Bay Street
Toronto, ON M5G 3E5

David C.K. Tang
Direct (416) 862-3547
Direct Fax (416) 863-3547
Assistant (416) 862-5421
david.tang@gowlings.com
File No. T968115

Dear Mr. Clay:

**Re: Appeal of New Urban Hamilton Official Plan
MMAH File No. 25-OP-2009**

We are the solicitors for 1507565 Ontario Inc., the owner of approximately 106 acres located in the Elfrida area, to the west of Highway 56 and south of Rymal Road (the "Lands"). The Lands are located within Special Policy Area B – Future Urban Growth District as identified in the Rural Hamilton Official Plan as adopted by Hamilton City Council and included in the Future Urban Growth District referred to in Policy B.2.2.1 in the Urban Hamilton Official Plan adopted by Hamilton City Council.

On behalf of our client, we hereby appeal the decision of the Minister of Municipal Affairs and Housing ("MMAH") respecting the Urban Hamilton Official Plan as set out in the Notice of Decision dated March 16, 2011 ("Notice of Decision") pursuant to subsection 17(36) of the *Planning Act*, R.S.O. 2000 c. P. 13 as amended, to the Ontario Municipal Board. The purpose of the appeal is to ensure that all policies which identified or recognized the Future Urban Growth District or applied to its future development or designation are retained in the form adopted by Hamilton City Council. In the time available for the appeal, we have identified Modifications 4(a)-(e) and 6 but any policies or modifications which affect the manner in which the Lands are identified or recognized for future development or as the next and Future Urban Growth District or the manner by which the Urban Boundary can be expanded into the Future Urban Growth District lands are also hereby appealed.

The reasons for the appeal are as follows:

1. Our client's lands together with other lands in the Elfrida area were identified by the Rural Hamilton Official Plan as being within Special Policy Area B and subject to specific policies.
2. The Urban Hamilton Official Plan refers to the lands which were designated as Special Policy Area B in Policy B.2.2.1, which is deleted in its entirety by Modification 4(a).

3. Upon the MMAH's deletion of the Special Policy Area B and pertinent policies by its modifications to the Rural Hamilton Official Plan, there were discussions with Ministry staff, the City of Hamilton and representatives about how it would be possible to recognize the need for the Special Policy Area B-Future Urban Growth District in other planning documents. One such proposal was the inclusion of policy language in the Urban Hamilton Official Plan instead of the Rural Hamilton Official Plan.

In fact, on January 25, 2010, your Ministry wrote to the City of Hamilton proposing modifications to the Urban Hamilton Official Plan and attached a draft decision which did specifically that.

4. Even if the Lands are designated as Special Policy Area B - Future Urban Growth District by the Rural Hamilton Official Plan and appropriate policies are included in the Rural Hamilton Official Plan, identification of them as such in the Urban Hamilton Official Plan is desirable. The decision of March 16, 2011 totally eliminates any reference to Special Policy Area B or any type of policy dealing with its status as the next preferred urban growth district.
5. The Rural Hamilton Official Plan's designation of the Lands and other Elfrida area lands as Special Policy Area B – Future Urban Growth District properly recognizes that there is need for additional urban growth in the future. It implements the Province's Growth Plan.
6. A number of alternatives for meeting the Growth Plan's population projections were studied in the Growth Related Integrated Development Strategy ("GRIDS Study"). It was determined that the option of not expanding the urban boundary would not meet the anticipated growth without unacceptable negative impacts, such as unreasonable intensification. As a result, it is clear urban boundary expansions are required to meet the Growth Plan's projections.
7. The GRIDS Study was subject to extensive public consultation work and costs.
8. MMAH itself was consulted, participated in and was generally supportive of the GRIDS Study and its results.
9. The GRIDS Study identified a preferred option for future urban expansion: the Special Policy Area B lands. These lands were the most appropriate and desirable location for a new urban area with a distinctive character.
10. The new Urban Hamilton Official Plan approved by the Minister recognizes that in many respects the future direction of the entire Plan document is based on the results of the GRIDS study. For example, Chapter A, Policy 1.3 outlines the role and function of the Official Plan and notes that the Official Plan is one of the key implementation mechanisms for the City's Growth Strategy (GRIDS) and other corporate initiatives including Master Plans, transportation and infrastructure, recreational and the social development strategy. The supporting role of GRIDS as a foundational element to the basis of the Official Plan is also found in Policies 1.5, 2.1, F.3, and F.3.1.

11. It is bad planning and contrary to the very role and function of the Urban Hamilton Official Plan (as set out in Policy A.1.3) to have implementation policies in the same Plan ignore, be inconsistent with or directly contrary to the outcome of its supporting plans and strategies (as set out in Policy A.1.5), upon which the Official Plan is based.
12. The Special Policy Area B lands are the best location for a future urban boundary expansion because:
 - (a) It does not contain any areas of natural and/or scientific interests ("NCASI's") or environmentally significant areas (ESA's);
 - (b) The lands are located outside both the Protected Countryside and Specialty Crop designated areas;
 - (c) The lands are located next to existing built-up areas with which future development would integrate easily and well;
 - (d) The lands are located entirely outside the Airport Influence Area and the John C. Munro Hamilton International Airport's 25dB Noise Exposure Forecast Contour;
 - (e) The lands are well served by existing transportation infrastructure;
 - (f) The Special Policy Area B lands are large enough to develop a self-sufficient, integrated, transit-oriented community node with its own distinctive character, which is preferable to the development of a number of smaller less efficient patches of urban development around the existing Urban Area or scattered throughout the balance of the Rural Hamilton Official Plan lands;
 - (g) Expansion into the Special Policy Area B lands avoids fragmentation of urban growth and most efficiently utilizes all infrastructure; and
 - (h) The areas and land uses surrounding the policy area contain land uses which are most compatible with the urban area boundary expansion.
13. The designation of Special Policy Area B and the recognition of those policies in the Urban Official Plan provides direction and greater certainty when the City plans its servicing, public transportation services and facilities, road networks and makes other decisions over the medium to long term. An indication of the longer-term land uses and likely location for future urban area expansion as identified by the GRIDS Study prevents decision making for infrastructure and servicing projects from being made in a piecemeal and un-coordinated fashion.
14. Many land use planning decisions, infrastructure or servicing decisions, transportation decisions and policies contained in both the Rural Hamilton Official Plan and the Urban Hamilton Plan are based on a number of supporting plans and strategies, including the GRIDS Study (see Policies 1.5, 2.1, F.3, and F.3 for example). Elimination of the Special

Policy Area B as a Future Urban Growth District or failure to identify it as such in one or both Official Plans could conflict with and adversely affect the implementation of those decisions and policies.

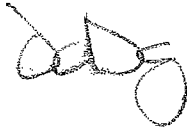
15. The identification of the Special Policy Area B lands with corresponding policies in the Rural Official Plan provides future direction in a manner that is well understood and established in the City of Hamilton. This approach has been well utilized in Hamilton's planning instruments. The same approach is used for future employment lands which are not to be immediately developed around the existing Hamilton International Airport. MMAH's participated in the settlement of those policies and designations at the Ontario Municipal Board on September 25, 2006. A special policy area was created, which articulates the required studies and controls in order to establish that development area.
16. The use of similar policies and approach for a "Airport Employment Growth District, identified as Special Policy Area C in the Rural Hamilton Official Plan, generally bounded by the existing urban boundary adjacent to Upper James Street to the east, White Church and Fiddler's Green Roads on the south, Garner Road on the west and Glancaster Road, and Twenty Road West on the north" is retained even after the Ministry's modifications to the Urban Hamilton Official Plan.
17. While the lands are currently largely subject to the Rural Hamilton Official Plan's policies, recognition of any future potential urban status should be included in the Urban Hamilton Official Plan.
18. The addition by Modification 4(b) of the words, "to determine if sufficient opportunities to accommodate forecasted growth contained in Policy A.2.3.1 and Policy A.2.3.2 are not available" to B.2.2.4(a) are unduly restrictive and not warranted.
19. The replacement, by Modification 4(c) of section B.2.2.4(d) with wording that requires there to be a find that there is no reasonable alternative to prime agricultural lands or lower priority agricultural lands does not take into account other land use planning considerations, such as servicing, transportation, environmental constraints, existing built up areas and their proximity, the need to ensure any urban growth areas are of a sufficient size and consolidated rather than fragmented.
20. The imposition by Modification 4(d) of a new section B.2.2.4e)iii) setting out timing requirements and considerations about residential intensification targets further restrict the necessary flexibility for appropriate planning of future urban growth areas.
21. The imposition by Modification 4(e) of a new section B.2.2.4 g) requiring a time horizon limit of 20 years as determined in accordance with B.2.2.4 a) imposes a necessarily inaccurate projection as a definitive standard, requires the expensive undertaking of the comprehensive review, analysis and study that may be prove fruitless if the projection results do not meet this particular standard by an inconsequential amount and generally imposes a concept of absolute accuracy to a process that is by necessity one of approximations.

22. The growth which could be accommodated by the Special Policy Area B lands would be required within the time-frame of the Urban Hamilton Official Plan itself.
23. The addition of a restriction to where residential intensification can occur to policy B.2.4.5 by Modification 6 is unnecessary and inappropriate in this document.
24. Such other reasons as counsel may advise and the Ontario Municipal Board may permit on a hearing of this appeal.

Enclosed with this letter is our certified cheque in the amount of \$125 made payable to the Minister of Finance as the fee prescribed under the *Ontario Municipal Board Act*. Would you please forward that cheque pursuant to subsection 17(42) together with the record and this notice of appeal to the Ontario Municipal Board. We will provide the Ontario Municipal Board with its appeal form directly.

Yours very truly,

GOWLING LAFLEUR HENDERSON LLP



David C.K. Tang
DCT:gvd

Enclosures

cc: 1507565 Ontario Inc.
TOR_LAW\7624351\2



Added Communication
Respecting Item 5.1

**PALETTA INTERNATIONAL
CORPORATION**

March 31, 2011

City of Hamilton
Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, ON
L8P 4Y5

Attention: Mayor Bob Bratina and Members of City Council

Subject: GRIDS AND THE URBAN OFFICIAL PLAN

Dear Mayor Bratina:

We are writing to you as owners of land within the “Elfrida node”.

The Province in its modified approval of the Urban Official Plan has deleted the reference to Elfrida as a “Future Urban Growth District” from the Official Plan adopted by Council and enacted on July 9, 2009. The recognition of Elfrida as a “Future Urban Growth District” evolved from GRIDS, the City’s Growth Related Integrated Development Strategy, which recommended a Nodes and Corridors approach to growth planning. Elfrida is specifically one of the recommended nodes. GRIDS is your comprehensive growth management strategy. The LEAR study (which identified viable prime agricultural areas and rural areas) was integral to the conclusions of the GRIDS recommendations, which identified “Elfrida node” as the recommended “potential urban boundary expansion area”.

The Province participated in the GRIDS study. The Province referred to GRIDS as a “model” of review, and now it has backtracked on that compliment by removing all of its recommendations for urban expansions.

City Staff acknowledged in a report dated April 20, 2007 that “too many essential decisions for servicing and growth within the current urban boundary rely on the GRIDS strategy for it to be ignored by Official Plan documents in the interim.” Council reacted by including the GRIDS recommendations in the Rural Official Plan.

In 2008, the Province deleted the reference to Elfrida as a Future Urban Area in the Rural OP. In response, Council dealt consistently with the intent of a future expansion in the “Elfrida node” in the Urban OP, as it is an urban matter. Because it was based on Council endorsed GRIDS recommendations, it was never being removed entirely, only moved into the Urban Official Plan.

In 2009, City Council reaffirmed the recognition of Elfrida as a Future Urban Area when it adopted the Urban OP.

The Province issued proposed modifications to the Urban OP on January 25, 2010 which, in terms of Elfrida, the City fundamentally accepted. The Province's continued reference to the Elfrida area, and the proposed modifications did not contemplate the removal of "Elfrida Area" as a "Future Urban Growth District", the requirement was that the references were to be more generic than the specific boundaries set out in the Council adopted text.

Hamilton City Council, through two terms of Council has been strongly committed and consistent with its support of the GRIDS process and recommendations. Council reaffirmed this commitment through the wording of the New Official Plan. Hamilton needs to be able to plan its long term infrastructure to meet the needs of the growth requirements of the City as designated in The Greater Golden Horseshoe Growth Plan.

At this late stage, it is inappropriate for the Province to remove the results of GRIDS growth management strategy and the reference to Elfrida as the future growth area from Hamilton's Official Plan.

We ask this Council to respect the decisions made by the previous Councils with regard to GRIDS and set the direction of the New Official Plan in order that the City continue to move forward with a consistent and logical growth plan. We respectfully ask that Council stand up to the Provincial bureaucrats and appeal this fundamental change made to the City's growth management strategy.

Yours truly,

PALETTA INTERNATIONAL CORPORATION


Angelo Paletta
President



Added Communication respecting Item 501

Rawlings, Alexandra

From: Patti Turnbull ~~XXXXXXXXXX~~
Sent: Friday, April 01, 2011 9:51 AM
To: Rawlings, Alexandra
Cc: Robert Smith; Johnson, Brenda; Sue Rogers (Twenty Rd Group)
Subject: Fw: Urban Plan and Elfrida Node
Attachments: Official Letter to OMB.pdf; Appendix A - Pictures.pdf; Appendix B - Land Classification Map.jpg; Appendix C - Portions of Elfrida Lands Map 2.pdf; Appendix D - MMAH (Feb.20.2007) Rural Hamilton OP - remove Elfrida growth area.pdf; Appendix E - Information Report - Aug 16 2006.pdf; Appendix F - Vision 2020 letter - Urban Boundary Expansion.pdf; Appendix G - Multi Area Letter 2000 - Sod Farm.pdf

Dear Ms. Rawlings,

In your capacity as acting city clerk, I respectfully request that the below email and attached documents be received, reviewed and considered by the councillors and mayor for Tuesday April 5th special meeting regarding the Minister's Decision Respecting Urban Hamilton Official Plan.

I am not able to attend the meeting but have very strong reasons as documented below and in the attachments as to why Hamilton should not appeal or fight the Minister's decision regarding the Elfrida Land language.

Also considering the history of misinformation provided by some who wish this land to be developed (as documented in my attachments), I will request that careful consideration and due diligence is performed by the City in respect to any submissions provided by developers at that meeting.

Best Regards,
 Patti Turnbull
 495 Trinity Church Road
 Hannon, ON L0R 1P0

--- On Thu, 3/31/11, Patti Turnbull <pattiturnbull@yahoo.com> wrote:

From: Patti Turnbull ~~XXXXXXXXXX~~
 Subject: Urban Plan and Elfrida Node
 To: bmchattie@hamilton.ca, Jason.Farr@hamilton.ca, mayor@hamilton.ca, bmorelli@hamilton.ca, smerulla@hamilton.ca, ccollins@hamilton.ca, tjackson@hamilton.ca, sduvall@hamilton.ca, twhitehead@hamilton.ca, bclark@hamilton.ca, mpearson@hamilton.ca, Brenda.Johnson@hamilton.ca, lferguson@hamilton.ca, rpowers@hamilton.ca, rpasuta@hamilton.ca, Judi.Partridge@hamilton.ca
 Cc: "Robert Smith" <rws29@shaw.ca>
 Received: Thursday, March 31, 2011, 11:12 AM

Dear Mayor and Councillors,

As a resident of Binbrook, I commend the recent decision by MMAH in its requirement to remove all mention of the Elfrida growth node in the Urban Plan language. I am of the belief that the original GRIDS

4/1/2011

document did not show evidence that Hamilton would have sufficient growth at or beyond the minimum 40% as required in the Places to Grow Act to allow for any Urban boundary expansion at this time. Also this is an Urban OP and no mention for rural lands should be included.

I am also aware that there are two sets of land developers vying for growth node status; the Elfrida group and the Twenty Road group. I have reviewed a number of documents from both the city staff and MMAH in regards to this situation. I live along Trinity Church Road and have a vested interest in this area and any potential future development. I know both of these land areas very well. It is my and MMAH's opinion that the Twenty Road Group lands should be reviewed with a fresh perspective yet the City continues to rely on old outdated information in regards to this land.

It is also my opinion, and supported by the Provincial Policy Statement, that the lands bounded by Trinity Church Road, Golf Club Road, Hwy 56 and the Hydro Corridor should never be zoned residential and should have a zoning of agricultural. The majority of these lands are Class 1 Prime Agricultural lands according to the official Land Inventory Maps and also have some other natural heritage features that should be considered. Kindly review my attached document and appendices for detailed information.

The above noted section of the "Elfrida" lands should be Greenbelt lands. The residents of this area, at the time of Greenbelt discussions, were always told that Greenbelt zoning would be supported for these lands. That zoning and support never officially happened for some reason.

It is my deepest hope that you review the information I have provided and come to the same conclusion and first don't appeal the MMAH decision to exclude the Elfrida node language from the Urban OP and second take steps to adjust any future boundary of the Elfrida Node to exclude the above referenced bounded lands (Trinity Church/Golf Club/Hwy 56/Hydro Corridor) and ensure that this referenced land is never zoned residential after all the "New" City of Hamilton should recognize and respect that a large portion of it is actually a farming/agricultural community and old wounds run deep - this is one path to healing those wounds.

Patti Turnbull

|

September 2, 2010

Attention: Ontario Municipal Board
Cc: Leesa Kwong, OMB
Cc: Michael Kovacevic, Art Zuidema, Legal Counsel City of Hamilton
Cc: Susan Rogers, Legal Counsel Twenty Road Group
Cc: Brenda Johnson, Environment Hamilton

RE: OMB Case No.: PL090114

I write to you today to request party status to the above OMB Case. In particular,
Group 4 - Policy D.2.2.1,
Group 6 - Schedule D - (Modification 33b only - LEAR focus) and
Group 8 - Volume 3 - Special Policy Area B - Future Urban Growth Node, including Map A –
Special Policy Areas and Twenty Road Issues.

I am a resident of Trinity Church Road and represent the Trinity Church Road Residents Group. I also have permission to speak on behalf of Robert (Bob) Smith who is also a resident of Trinity Church Road and has present and made submissions at various public meetings and by email to Hamilton City Staff and Councillors on behalf of the Glanbrook Residents Association. No group currently participating seems to be representing the rural homeowners and farmers of this area. I believe it would be an unfair process unless someone from that group is present to ensure those interests are heard.

Our groups have many issues with the request from various developers to change the agricultural designation of land, bounded by Trinity Church Road, Golf Club Road, Highway 56 and the Hydro Corridor, to residential. I have attached recent pictures (Appendix A) of these lands taken from the house where my parents have lived for over 50 years. The pictures are taken looking East and South-East from Trinity Church Road.

The groups I represent have a strong history of protecting the rural residents' rights and have consistently argued against, to the City, the above stated land being rezoned residential.

Note that these lands are actively farmed and the majority of the lands are Class 1 Agricultural lands according to the Canada Land Inventory Agricultural Capability Map published in 2009 (portions attached in Appendix B). These lands also support the local cattle and dairy farms in the area.

The lands also contain many creek tributaries, pond and significant woodlands (Appendix C). The woodland has a wetland in its interior. It and surrounding area are significant in terms of its relative proximity to the Twenty Mile Creek system and the ecological corridor that it provides for many species of animals and birds, Hannon Creek system that also feeds to the Red Hill Creek and the Greenbelt lands. This woodland and its surrounding area are inhabited by many species that include but are not limited to deer, coyotes, skunks, possums, salamanders, frogs and many species of birds. It has also been mentioned that American badgers may live in the area due to badger like holes being found near the edges of the woodlands.

The woodlands provide recreational activities in the way of nature walks for nearby residents as well.

There are two active farms in the area. One is a cattle feeder farm on Trinity Church Road and the other is a dairy farm on Fletchers Road. **Minimum Distance Separation requirements would exclude a majority of the lands as referenced above for residential use.**

There are two specific sections in the Provincial Policy statement that deals with the above characteristics of these lands. I have quoted these sections below for reference.

Section: 2.1 NATURAL HERITAGE

2.1.4 Development and site alteration shall not be permitted in:

- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
- b) *significant woodlands* south and east of the Canadian Shield²;
- c) *significant valleylands* south and east of the Canadian Shield²;
- d) ***significant wildlife habitat***; and
- e) *significant areas of natural and scientific interest*

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.1.7 Nothing in policy 2.1 is intended to limit the ability of existing agricultural uses to continue.

Section: 2.3 AGRICULTURE

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

2.3.4 Lot Creation and Lot Adjustments

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

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;

- c) a *residence surplus to a farming operation* as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant 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
- d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.5 Removal of Land from Prime Agricultural Areas

2.3.5.1 Planning authorities may only exclude land from *prime agricultural areas* for:

- a) expansions of or identification of *settlement areas* in accordance with policy 1.1.3.9;
- b) extraction of *minerals, petroleum resources* and *mineral aggregate resources*, in accordance with policies 2.4 and 2.5; and
- c) limited non-residential uses, provided that:
 1. the land does not comprise a *specialty crop area*;
 2. there is a demonstrated need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use;
 3. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 4. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

Note that nowhere in the Policy Statement does it indicate that new subdivisions are allowed on prime agricultural lands. ***Please read Section 2.3.5.1 carefully as it provides no reference to new subdivision creation – this type of activity is simple not allowed for removing land from prime agricultural areas.***

The Ministry of the Municipal Affairs and Housing (MMAH) has already reviewed the City of Hamilton's GRIDS study and also the request by the Twenty Road Group to be included as the Growth Node for residential development. MMAH directed the City to do two things (Appendix D):

1. Removed the "Elfrida lands" from their Urban Plan and maintain their designation as agricultural.
2. Review the Twenty Road Groups request with a fresh perspective.

The MMAH is an independent body with no agenda except to follow the Provincial Policy statement and ensure that communities grow responsibly. All groups at the table today have other agendas so I ask that you follow the MMAH recommendation.

Besides that, the local residents of that area were always told that this would be part of the buffer (Greenbelt) between the Urban area in Binbrook and the City of Hamilton Urban boundary. When the final Greenbelt protected areas were drawn, it was a shock and disappointment to see that these prime agricultural lands were missed.

I'd like to address two other sets of items in my letter to you. The Twenty Road Group request and errors and exclusions by the City and developers that led to the building of Summit Park Subdivision.

1. Twenty Road Group Request

Although I am not a planner, nor have a degree in environmental science, I have reviewed this request and the City's information report dated August 18, 2006 (Appendix E) regarding this issue. I am very familiar with the lands and find some errors and inconsistencies within the City's information report. The report states:

"Development along Twenty Road would provide housing opportunities in proximity to the NGIBP, but in accordance with MOE distance separation requirements, appropriate buffering would have to be provided between residential development and the planned industrial development to avoid land use conflicts. There are already a significant number of residential dwellings within the NGIBP that have implications for industrial development. In the absence of appropriate buffering, the industrial lands along the westerly limits of the NGIBP could not be used for the full range of industrial uses presently permitted under existing zoning, which permits manufacturing, industrial, warehousing and transportation related uses as-of-right."

The issue of buffering for the NGIBP (North Glanbrook Industrial Business Park, now called the Red Hill Business Park South) exists for part of the proposed Elfrida lands as well that lie along Trinity Church. Trinity Church Road provides a significant border for the NGIBP. Hence, using the City's reasoning, a large portion of the Elfrida lands could not be used either for residential purposes.

Also please note that the zoning of this business park has changed.

Report States:

"The Glanbrook Official Plan states that "The existing character of the rural land surrounding the North Glanbrook Industrial-Business Park shall be encouraged to be retained and the surrounding existing residential development shall be protected. Particular attention shall be given to the development of this Park along its eastern boundary adjacent to Trinity Church Road and its southern boundary adjacent to Dickenson Road.""

I believe this speaks volumes of the promises that the existing residents were given by the Town of Glanbrook when the NGIBP was being established many years ago. **Essentially the implication is that full consideration should be given to the residents on Trinity Church Road. We don't want the zoning to change East of us.**

2. I'd now like to turn your focus to errors made when the lands adjacent to some of the lands noted above were brought into the Urban boundary in 2000 right before the amalgamation of the City of Hamilton and then when the plan of subdivision for Summit Park was submitted to Council for review and approval. These lands are bordered by Rymal Road, Trinity Church Road, Swayze Road and the Hydro Corridor. For simplicity sake, I will refer to these as Summit Park.

a. **No study was done to review the need for expansion.**

- b. The only guiding document that the City had was its Action 2020 report based on Vision 2020. The creators of this report presented to Council at that time and provided comprehensive information and points as to why the City should not expand the Urban boundary (Appendix F) in that area and at that time. **The City ignored its own report. The City didn't have high enough growth targets at that time either.**
- c. There was **overwhelming support** by residents all over Hamilton and the proposed amalgamation cities and towns as evidenced by the letters to the City clerk (of which I have copies) to **not bring in that land in 2000 to the urban boundary.**
- d. TransCanada Pipelines provided a communication to the City of Hamilton that they preferred **no development within 200 metres either side of their high pressure pipelines** that runs under the hydro corridor. Summit Park development in less than 30 metres away.
- e. **Summit Park developer provided false, misleading information to Council.** He told Council that those lands were being used as Sod Farms (Appendix F). I have driven past those lands almost every week of my life and they were never used for that purpose. I also asked other local long term residents and a local farmer in the area and they agree with me.
- f. **The Minimum Distance Separation from the existing Dairy Farm on Fletchers Road was not abided by.** If you reference the report from Feb. 2001 by Sean Colville at EGS International (now Stantec) the report clearly shows violation of MDS for a large chunk of Summit Park. The City Planner can find no record of that report and I have never received a response by other City staff in regards to an explanation.

It is well documented that the former Mayor of Hamilton has a family relationship to the prime developer driving the process in these meetings. It is also well documented this former Mayor's criminal convictions for violations of the Municipal Elections Act from 2003. When the Plan of Subdivision for Summit Park for the areas that are within the MDS was submitted (2004), no discussion regarding the MDS or the TransCanada Pipeline situation was even brought up.

Multiple errors occurred back in 2000 and in subsequent years with the Plan of Subdivision when submitted.

These lands should never have been identified for residential development in the first place. Please ensure we don't continue to go down a path that reeked with errors from the beginning.

Thank you,
Patti Turnbull
Resident of Trinity Church Road

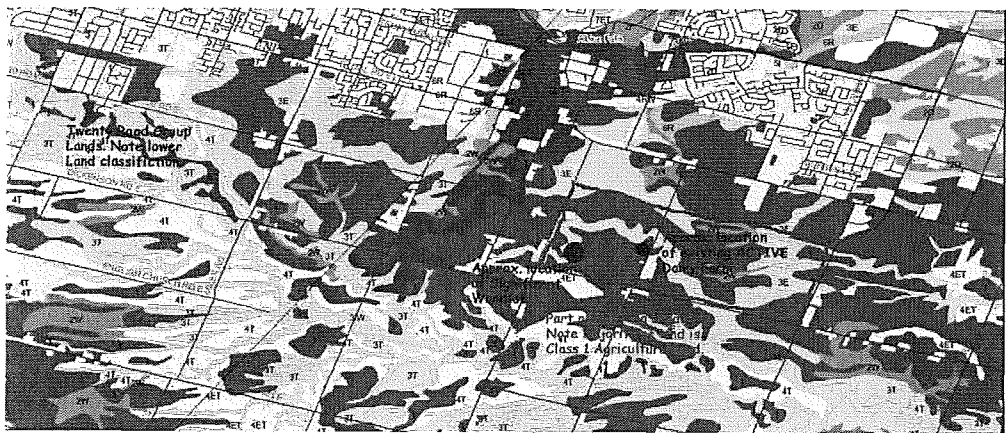
Appendix A



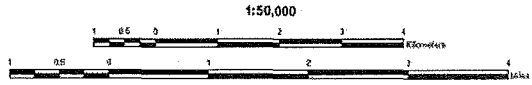
Figure 1: Facing SE from Trinity Church Road – Note freshly ploughed fields, beautiful rolling landscape and significant woodland in distance. I would argue the most beautiful view in all of Binbrook.



Figure 2: Facing NE - Note proximity of active dairy farm in distance to hydro corridor where encroaching development Summit Park is built.



CANADA LAND INVENTORY AGRICULTURAL CAPABILITY



Base map data at the original scale of 1:10,000 was provided to the Ontario Ministry of Agriculture, Food and Rural Affairs under agreement with the Ontario Ministry of Natural Resources. The Ontario Roads Network was provided by Land Information Ontario. The soil mapping data was compiled from the original soil surveys of Ontario.

Disclaimer: The Ontario Ministry of Agriculture, Food and Rural Affairs does not certify the correctness of any information on this map and is not liable for any actions taken or not taken by any person. This map is illustrative only. Do not rely on it as a precise indicator of routes, hazards, nor as a guide to navigation.

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Published June 2009



Ministry of Agriculture, Food and Rural Affairs | Ministère de l'Agriculture, Alimentation et Affaires Rurales

Canada Land Inventory Rating	

Settlements	
	Roads
	Railways
	Waterflow Network
	National Topographic Boundary
	Lot and Concession Boundary
	Municipal Boundaries
	Built Up Areas - circa 2006

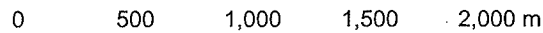
Map Symbol Description	
1	Soil Capability Class "1"
1S	Soil Capability Class "1" with SubClass "S"
1>3T	Soil Capability Class "1" is greater in area than Soil Capability Class "3" with SubClass "T"
3M=5PT	Soil Capability Class "3" with SubClass "M" is equal in Area to Soil Capability Class "5" with SubClass "T" and "P"
In complex soil landscapes the ">" operator indicates a dominant and significant proportionality between the first, second and in some cases a third soilcode.	
Examples: 70%>30%, 70%>15%>15%, 50%>50%	

Portions of Elfrida Lands 2



Map centre: 43° 10' 10.5" N, 79° 48' 16.1" W

Map created: September 2, 2010



Scale: 1:31,000

Legend

Towers		
Hedge/Hedgerow		
Obstruction/Hazard Points	+	Rapids
	▲	Flow Arrow
	+	Falls
	•	Rock
Obstruction/Hazard Lines		
Transmission Lines and Pipelines		
Hydro Station		
Wooded Areas by Type		Treed
		Plantation
		Hedgerow
Wooded Areas		
Freeways		
Highways		
Arterial Roads		
Collector Roads		
Local Roads		
Wetlands		
Rivers and Streams 20K		
Lakes and Ponds 20K		
Province		

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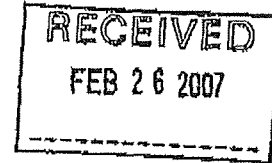


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February 20, 2007

Paul Mason
Director, Long Range Planning
Long Range Planning Division
City of Hamilton
City Hall, 71 Main Street West
Hamilton ON L8P 4Y5

Dear Mr. Mason:

Re: **Rural Hamilton Official Plan
New Official Plan for the City of Hamilton
MMAH File No.: 25-DP-0190-03004**

The Ministry of Municipal Affairs and Housing (the "MMAH") is in receipt of the Rural Hamilton Official Plan (the "Rural Plan"), which was adopted by Council of the City of Hamilton on September 27, 2006. The Rural Plan is a new Official Plan for the amalgamated City of Hamilton as it applies to the rural area (lands located outside the current urban boundary). Its purpose is to update the Official Plan policies for Rural Hamilton in accordance with the Provincial Policy Statement, 2005 (PPS), Greenbelt Plan and Growth Plan for the Greater Golden Horseshoe.

MMAH understands that upon approval of the Rural Plan, the existing policies and land use designations applicable to the Rural Area of the former area municipalities will be deleted in accordance with the associated Regional and local Official Plan amendments. The Ministry also appreciates that the City is working on policies for the remaining Urban Area for future incorporation into the Official Plan.

We would like to commend the City for its dedication, commitment and effort towards completing its Rural Plan and Greenbelt conformity exercise in a timely manner. We appreciate the collaborative approach between the City and Province to ensure protection of the Greenbelt and are particularly pleased with the pre-consultation process and the on-going efforts of staff from our respective organizations throughout the development of the Rural Plan. We look forward to continuing this collaborative approach as the City proceeds with the development of the 'Urban' component of its Official Plan and conformity exercise with the Growth Plan.

It is our hope that upon Council's agreement to a final list of modifications, including additional information/revisions we have requested, that the Ministry will be in a position to move forward to finalize its approval of the Rural Plan.

The comments have been divided into two (2) separate components. The first provides our overall 'One Window' comments on substantive matters explaining the rationale for the proposed modification and topic areas where further detail or policy direction is required. The second provides a draft decision page with proposed modifications for the Rural Plan as adopted. Please note that MMAH's review of the Rural Plan included a 'One-Window' circulation to the following partner ministries: Ministry of Natural Resources (MNR), Ministry of the Environment (MOE), Ministry of Agriculture, Food and Rural Affairs (OMAFRA), and the Ministry of Public Infrastructure Renewal (PIR).

MMAH looks forward to discussing these matters further with the City and providing an approval on the Rural Plan as expeditiously as possible.

Please contact Victor Doyle at (416) 585-6109 to discuss this material and/or set up a meeting at your earliest convenience.

Yours truly,



Larry Clay
Director

Encl. Attachment "1" - Draft Decision Page

c.c. Drew Crinklaw, OMAFRA
John Turvey, OMAFRA
Mike Stone, MNR
Ian Thornton, MNR
Barbara Ryter, MOE
Ron Glenn, PIR
Stephen Garrod
Glen Schnarr

Overall Comments – Additional Policies to be added by a future Official Plan Amendment

As mentioned above, the City will be bringing forward a future comprehensive amendment for its Urban Area which will incorporate urban policies and land use designations.

There are a number of policy areas which should be incorporated into this future amendment to be consistent with the PPS, including policies dealing with employment areas, housing, cultural heritage and archaeology, health and public safety (including the natural hazard policies of the PPS), transportation, and urban and settlement area policies. In addition, the urban amendment is required to conform to the Growth Plan in accordance with the *Places to Grow Act, 2005*.

Overall Comments – Minor and Technical Modifications

The Ministry has made a number of technical and minor modifications to the Rural Plan for clarity and consistency with the PPS and to conform to the Greenbelt Plan and implementation of provincial policies (see Attachment "1").

Overall Comments – Substantive Issues

Mineral Aggregate Resources

Prohibitive and Restrictive Policies

Section D.6.0 of the Plan contains the policies for mineral aggregate resource extraction areas. Some of the policies are prohibitive and restrictive in nature with respect to the establishment of a new mineral aggregate quarry or pit operation. MMAH previously commented on these policies in its comments on the second draft OP policies. Specifically, Sections D.6.16 and D.6.17 propose to prohibit the establishment of a new mineral aggregate quarry operation within 500 metres, and a new pit operation within 300 metres of a designated Rural Settlement Area (RSA), mobile home park or estate residential area.

Although this outcome may result depending on the specifics and although mitigation measures may be required where a quarry/pit is proposed within 500m/300m of a RSA, mobile home park or estate residential development, new mineral aggregate operations within these distances should not automatically be prohibited. Policy 2.5.1 of the PPS states, "*Mineral aggregate resources shall be protected for long-term use and as much of the resource as is realistically possible shall be made available as close to markets as possible.*" In addition, The Greenbelt Plan states that municipal planning documents may not be more restrictive than the Greenbelt Plan with respect to aggregates and agriculture. The proposed prohibition within the 500m/300m distances would have the result of effectively prohibiting resource extraction in these areas and is more restrictive than the Greenbelt Plan.

Mitigation measures, where required, are determined through the licensing process under the *Aggregate Resources Act ("ARA")*. In addition, the OP contains

- 7 appropriate policies to ensure new mineral aggregate resource extraction license applications are properly considered, including Sections D.6.12, D.6.13 and D.6.19. Sections D.6.16 and D.6.17 preclude the licensing process under the ARA. As a result, these policies should be deleted or replaced with policies requiring appropriate studies within these distances to consider relevant issues.

Land Use Compatibility

A policy has not been included to address incompatible land uses on lands adjacent to existing mineral aggregate operations as required by PPS Policy 2.5.2.4. An early draft of the Rural Plan included a policy that prohibited incompatible land uses, including the creation of new lots within 300 metres of licensed sand and gravel operations and within 500 metres of licensed quarries; however this policy was removed.

Section D.6.32 of the Rural Plan addresses land use compatibility issues where development that would preclude or hinder the establishment of new operations or access to the resources is proposed in areas adjacent or within *Potential Mineral Aggregate Resource Areas*. This policy reflects PPS Policy 2.5.2.5. However, it is not indicated how the City will evaluate these types of development applications. It is proposed that an official plan or zoning by-law amendment should be required where development is proposed within or adjacent to resource areas, and that through this process the applicant should be required to submit information regarding compatibility of the proposed use and an assessment of potential impacts on the resource area, mitigation, etc. In addition, it is requested that a 300 (pits) and 500 (quarries) metre 'adjacent lands area' policy be applied around the *Potential Mineral Aggregate Resource Areas*. Any development proposed on or within these distances would require a demonstration that the proposed use would not result in precluding or hindering an existing operation, its potential expansion or any future operations.

Similar to *Potential Mineral Aggregate Resource Areas*, a policy is required to establish a process for controlling and evaluating proposed land uses that would potentially constrain the continued operation or expansion of existing mineral aggregate operations.

Therefore, MMAH is proposing a modification by proposing a new Section D.33 to address the above-mentioned issues in accordance with PPS Policies 2.5.2.4 and 2.5.2.5.

Requirement for a socio-economic study

Municipalities are encouraged to identify supporting documents that are reasonable and necessary for assessing proposals for new or expanded mineral aggregate operations. The City is requiring an official plan amendment as well as certain studies outlined in Section D.6.19 in support of an application to redesignate lands for a new or expanded mineral aggregate operation. A socio-economic study is required under Section D.61.9 e); however it is not clear what the requirements of such a study would be (i.e. costs to the City, potential impacts on residents in the

vicinity of an aggregate operation due to changes in living environment, etc.). MMAH suggests that the studies listed under D.6.19 a) to g) and those required under the ARA licensing process are sufficient and proposes a modification to delete Section D.6.19 e). If studies are to be required, they should relate to quantifiable, objective provincial standards.

Accessory uses

Section D.6.4 deals with permitted and accessory uses on lands designated as Mineral Aggregate Extraction Areas on Schedule D – Rural Land Use Designations. Vehicle, maintenance, repair and fuelling facilities are generally considered accessory uses to a mineral aggregate operation and should be permitted as an accessory use as per Section D.6.4 b). Therefore, MMAH is proposing a modification to remove these uses from Sections D.6.4 c) and D.6.30.

Mapping of Mineral Aggregate Resource Areas

Mineral aggregate resource areas are identified as an appendix to the Rural Plan (Appendix C – Non-Renewable Resources). It appears that Appendix C generally reflects the current mapping contained in the former Municipality of Hamilton-Wentworth Official Plan (Map No. 5 – Mineral Aggregate Areas) and MMAH's understanding is that the adopted Plan intends to carry forward this mapping in the absence of new data related to the mapping.

Upon review of Appendix C, MNR has advised that extensive areas of significant mineral aggregate resource deposits are not shown on Appendix C and that it requires updating to properly reflect the full extent of significant mineral aggregate resource deposits within the City.

MMAH is also aware that that City has proposed to conduct a Mineral Aggregate Resources Strategy study, including mapping incompatible land uses (constraints to aggregate extraction) and that Council resolved to include the Mineral Aggregate Resources Strategy in the capital budget proposal for 2007. Further, the City has also resolved to request MNR to review and update mapping of Mineral Aggregate Resource Potential Areas.

In addition, MMAH notes that the mapping of mineral aggregate resource areas should be included on a land use schedule, recognizing that appendices are not formally part of the OP. Therefore, a modification is proposed to change Appendix C from an appendix to a schedule to the Plan.

As mentioned above, this map requires updating to properly reflect the full extent of significant mineral aggregate deposits within the City. Recognizing that the City is considering updating its aggregate resource mapping in the future, MMAH recommends that the Plan include the current mapping as a land use schedule until such time as the mapping is updated. A policy should be included to describe this situation.

MMAH requests that the Province (in particular MNR and MNDM) be consulted prior

to and throughout the City's aggregate resource strategy study and that when the mineral aggregate resource mapping is updated by the City it should be included as a land use schedule to the Plan.

The following mapping issue has been identified relating to Appendix C:

- An area shown as 'Gravel & Sand' on Map. No. 5 between Garner Road W. and Book Rd. W. and between Fiddler's Green Rd. and Hwy 6 has not been shown on Appendix C. This area is currently shown on Map No. 5 of the former Municipality of Hamilton-Wentworth Official Plan.

Relationship between Aggregates and Natural Features

Given the varying policy frameworks within and between Greenbelt and PPS for natural features and aggregates, and given the guidance materials being prepared by the province in relation to the significance of features within the Greenbelt, further discussion is needed to consider an appropriate approach to address this situation.

Rural Special Policy Areas

Volume 3 of the Plan includes Special Policy Areas (SPA's) which are shown on MAP A – Special Policy Areas. According to the Rural Plan, SPA's are geographic areas where either additional studies are required to determine ultimate land uses or establish detailed and specific policies to address unique local conditions that are not reflected by Volume 1 and 2 of the Plan. Section F.1.3.2 states that in the event of a conflict between an SPA and Volume 1 of the Plan, the SPA shall prevail and take precedence provided the general goals and objectives of Volume 1 are maintained.

Three SPAs are included in Volume 3 of the adopted Plan: SPA A – Pleasantview; SPA B – Future Urban Growth District; and SPA C – Future Employment Growth District. The following comments are with respect to SPA B and SPA C:

SPA B – Future Urban Growth District

SPA B identifies a study area for a potential residential urban expansion in the vicinity of Elfrida. Although MMAH staff has previously advised City staff that it does not support this approach, written one-window comments on this matter were not provided as this approach was not reflected in the first and second drafts of the Rural Plan circulated prior to adoption. However, this issue was discussed between planners for MMAH and the City during meetings held in July 2006 regarding the SPA for the airport employment growth district. Specifically, it was discussed that MMAH's expectation was that the proposed SPA B in the final draft of the Rural Plan would be removed.

It has been a long-standing position of this Ministry not to support the use of the SPA approach. With respect to future urban growth areas, both the Growth Plan and the PPS contemplate that municipalities will undertake comprehensive reviews, and the results of their reviews will be implemented through formal urban expansions. Our experience has been that the use of SPAs as an interim step creates a number

of issues which could be avoided by following and completing a comprehensive review and formal urban expansion process (e.g. it creates public and landowner uncertainty as the SPA creates an expectation that all of the lands will be urbanized).

To this end, MMAH has received correspondence from certain landowners ranging from SPA B not being given enough emphasis in the Rural Plan - to SPA B constituting an expanded urban boundary - to others not included submitting that their lands are better suited for urban purposes than, or should be included in addition to, SPA B. It is our understanding that the proposed new Rural Official Plan was only to deal with the rural area outside the current urban boundary (adopting By-law No. 06-295) while urban expansions and other related urban items would be dealt with through the 'Urban Hamilton Official Plan' or some future specific urban expansion amendment.

Further, the City's staff report indicates that in May 2006 when Council endorsed the City's Growth Integrated Development Strategy (GRIDS) Final Report as the City's growth management study, Council directed that City staff investigate and report back on any opportunities/implications of incorporating lands in the vicinity of the Twenty Road area into the City's growth strategy. Therefore, it appears that the City is still looking at other potential growth areas as part of its final refinement of the preferred growth strategy.

In light of the foregoing, the Ministry is proposing to remove Special Policy Area B - Future Urban Growth Node in its entirety on the understanding that the City will be moving forward with a formal urban expansion as part of the urban official plan.

SPA C - Future Employment Growth District

SPA C applies to the proposed employment growth district associated with the existing Hamilton International Airport. The purpose of SPA C is to consider an airport employment growth district integrated with the existing airport, urban land uses and servicing infrastructure. The policies of SPA C provide that a future comprehensive municipally-initiated amendment will be required to determine the land supply required for employment uses in part or all of SPA C and a secondary plan will designate appropriate employment land uses for the airport employment growth district among other requirements specified.

Minor modifications are proposed to the wording of SPA C to reflect the wording of the revised OPAs approved by the OMB (Decision/Order No. 3080 dated November 2, 2006).

Detailed Natural Heritage Features Mapping

Schedule B - Natural Heritage System groups various environmental features into a single common designation 'Core Areas' which should include key natural heritage features (KNHFs) and key hydrologic features (KHF) in the Greenbelt Plan, natural heritage features and areas and surface water features in the PPS, local natural areas, and any associated minimum vegetation protection zone (MVPZ). The specific identification of each type of environmental features is set out as appendices

- to the Plan, Appendices B-1 to B-8 – Detailed Natural Heritage Features.

Upon further review of the City's approach to using appendices, MMAH has identified some concerns with the specific identification of environmental feature types through appendices, rather than official land use schedules to the Plan. The appendices are solely for information purposes and not officially part of the Plan, and this may have implications for implementation of Greenbelt and PPS policies. For example, for 'Core Areas' within the Greenbelt but outside the NHS, there is need for specific designations of environmental features, such as wetlands (KHF) or significant woodlands (KNHF), since these features are subject to different policy treatment depending where they are located, which in turn, for example, has implications for the Greenbelt aggregate policies.

Also, for similar reasons, environmental features outside of the Greenbelt may need to be designated as provincially or locally significant. For example, designating provincially significant wetlands ensures the application of PPS policies and excludes such application to local wetlands.

Therefore, the Ministry proposes to designate specific environmental feature types by deleting Appendices B-1 to B-8 and replacing as additional schedules to the Plan. This is similar to the approach taken for the Oak Ridges Moraine conformity exercise. MMAH would like to discuss this issue (amongst others) further with City staff.

Other more specific MMAH comments on Detailed Natural Heritage Feature Mapping are set out in the following section titled Schedule Mapping Issues and Appendix Mapping Issues.

Prime Agricultural/Rural Area Designation (Schedule D)

Schedule D – Rural Land Use Designations identifies lands designated as either 'Agriculture' or 'Rural'. During the drafting of Schedule D, the province met with the City and noted its concerns that some lands currently designated 'Prime Agricultural Lands' in the former Municipality of Hamilton-Wentworth Official Plan are being redesignated 'Rural'. The City revised the proposed Schedule D on May 24, 2006 to address some of these concerns. OMAFRA staff reviewed the revised Schedule and provided written comments outlining its remaining concerns through the 'One Window' protocol on June 6, 2006. These comments were forwarded to the City by MMAH on June 9, 2006.

In review of the Council adopted version of Schedule D – Rural Land Use Designations, OMAFRA's June 6, 2006 recommended modifications to Schedule D have not been made. Therefore, MMAH/OMAFRA continues to be concerned with the designation of 'Agriculture' lands, specifically lands that are within a prime agricultural area, but are designated 'Rural'.

The Ministry is proposing modifications to Schedule D – Rural Land Use Designations which would retain the Agriculture designation on those lands identified by OMAFRA staff in its letter dated June 6, 2006. As a result, the lands identified in



- blue on the enclosed Attachment "2" are proposed to be changed from the 'Rural' to 'Agriculture' land use designation in the final decision.

Winona Urban Boundary

The context for the Winona Urban Boundary discussion is centred on a proposal by Hamilton General Homes ("HGH") which is currently before a Joint Board under the *Consolidated Hearings Act*. The proposal consists of an application to amend the Niagara Escarpment Plan (NEP) to extend the boundary of the Winona Minor Urban Centre for the Community of Winona and an application to amend the former City of Stoney Creek Official Plan to accommodate a 17-lot residential development.

The City Staff Report dated August 18, 2006 (OPR – RURAL) indicates that once a final decision on the NEPA is made by the Joint Board, the City would amend the urban boundary, if required, by that decision. The hearing is scheduled to commence on March 26, 2007.

The report further states that at the outset of the Rural Plan, no changes to the urban boundary would be made as any urban boundary changes would be part of the development of new urban policies and land use designations, the ongoing GRIDS study and Growth Plan conformity. Also, since the Winona urban boundary issue is part of a litigation matter (i.e. the Joint Board), no action would be taken until the Board decision is issued. In addition, MMAH has received comments from area residents relating to the City's interpretation of the Winona Urban Boundary and its delineation in the Rural Plan.

In light of the foregoing, MMAH proposes to 'defer' the urban boundary in the vicinity of the Winona Urban Area until such time as the Joint Board decision is rendered.

Parkway Belt West Plan

Sections A.2.3 and C.1.0 deal with Provincial Plans and policies, including the PPS, Niagara Escarpment Plan, Greenbelt Plan and Parkway Belt West Plan (PBWP). With respect to the relationship between the Greenbelt Plan and PBWP, a modification is proposed to state that Protected Countryside policies 3.2 and 3.3 of the Greenbelt Plan apply to lands within the PBWP area in addition to the policies of the PBWP in accordance with Greenbelt Plan policy 2.3.

Water Policies

Section C.2.9 of the Rural Plan incorporates policies relating to watershed planning, however more fulsome policies with respect to the protection of the quality and quantity of water are required in accordance with the PPS Policy 2.2 and the Greenbelt Plan. Therefore, a modification is proposed to Section C.2.0 dealing with policies for water resources.

designations can be revised at the time of an official plan or zoning by-law amendment. MMAH would like to discuss this issue further with City staff.

- The Ministry notes that streams have not been identified as part of the 'Core Areas' shown on Schedule B – Natural Heritage System. Streams and MVPZs should be designated on schedules to require the application of applicable policies. Therefore, MMAH recommends that streams be included in the 'Core Areas' designation shown on Schedule B. MMAH would like to discuss this issue further with City staff relating to the scale of the stream mapping.
- The two Greenbelt 'River Valley Connections' in Hamilton, identified on Schedule 1 of the Greenbelt Plan and associated with Greenbelt Plan Policy 3.2.5 should be added to this schedule. They are located as follows: 1) Stoney Creek south of the QEW and adjacent to the municipal boundary with Grimsby, 2) in the Waterdown Urban Area (NEP) east of Mill Street. MMAH also notes that the External Connections policies of the Greenbelt Plan have not been included in the Rural Plan. Therefore, a modification is proposed to Section C.2.3 to include reference to the external connection policies outside the Greenbelt Plan.

Schedule D – Rural Land Use Designations

- Mineral Aggregate Resource Areas – MNR advises that the 'Mineral Aggregate Resource Area' shown south of Hwy 5, between Brock Road and Offield Road is not a property that is currently licensed under the ARA. Therefore, MMAH is proposing to amend the Schedule to remove this property from the 'Mineral Aggregate Resource Area' designation and redesignate the property to a 'Rural' designation.
- MMAH has concerns with some lands being redesignated as 'Rural' in prime agricultural areas – see previous comments titled Prime Agricultural/Rural Area Designation .

Appendix Mapping Issues:

Note: MMAH proposes that Appendices B-1 to B-8 and Appendix C should be replaced as schedules to the Rural Plan – see previous comments titled Detailed Natural Heritage Features Mapping and Mapping of Mineral Aggregate Resource Areas.

Appendices B-1 to B-8

The 'Greenbelt Protected Countryside' designation shown in light green should be removed from the NEP Area as lands designated as Protected Countryside by the Greenbelt Plan are outside the lands governed by the NEP and ORMCP. Please see the Greenbelt Plan (Schedule 1) and Schedule A – Provincial Plans for reference. This comment applies to Appendices B1-B8.

Implementation of Greenbelt Plan Policies (Development Control)

As discussed in MMAH's previous comments on the first draft dated March 29, 2006, policies in the Greenbelt Plan often requirement an environmental evaluation of some form for matters such as:

- new development and site alteration within 120 metres of an environmental feature and the identification of a minimum vegetation protection zone;
- proposals for non-agricultural uses which must demonstrate that there are no negative impacts on key natural heritage and hydrologic features and functions; and/or
- expansions to existing residential dwellings are permitted in key natural heritage and hydrologic features provided there is no other alternative.

The City will need to clarify how the Greenbelt policies in the Rural Plan will be implemented through development review and control. MMAH would like to discuss this issue further with City staff.

Schedule Mapping Issues:

Schedule A – Provincial Plans

Waterdown Urban Area

- With respect to the Waterdown Urban Area shown in orange on Schedule A, only the lands west of Centre Rd. and north of Hwy 5 are designated Towns and Villages in the Greenbelt Plan. The rest of the Waterdown Urban Area should be designated the appropriate NEP designation as it is located within the NEP Area.
- The 'Greenbelt Area' boundary should be added to this schedule and legend, and all other schedules, appendices, and associated legends as well. The Greenbelt Area includes the Protected Countryside and Niagara Escarpment areas.

Schedule B – Natural Heritage System

- MMAH proposes additional schedules to designate specific environmental feature types – see comments titled Detailed Natural Heritage Features Mapping.
- Similar to technical guides prepared by the province for identifying environmental features on the Oak Ridges Moraine, the province is also preparing to release technical guides for the Greenbelt. It is recognized that the environmental features, such as woodlands, in Schedule B, as well as Appendices B-1 to B-8, were unable to be identified using any provincial Greenbelt technical guides. It is also recognized that a municipality may be more restrictive than the Greenbelt Plan, and environmental feature

Appendix B-3 – Alvar and Tallgrass Prairie

MNR advises that its identification of Alvar and Tallgrass Prairie varies from Appendix B3. We would like to discuss this matter further with City staff and MNR would be able to provide the City with current mapping so that the appendix may be updated.

Appendix C – Non-Renewable Resources

As previously mentioned extensive areas of significant mineral aggregate resource deposits are not shown on Appendix C.

A modification is proposed to include Appendix C as a schedule to the Plan as the mapping of mineral aggregate resource areas should be included as a land use schedule, recognizing that appendices are not formally part of the OP. When the mineral aggregate resources mapping is updated the land use schedule should be amended to reflect the updated mapping.

A technical modification is proposed to remove the second reference to the word, "Resource" in the legend.

A gravel and sand deposit located between Garner Road W. and Book Road W, and between Hwy 6 and Fiddler's Green Rd. is not mapped; however this gravel and sand deposit is shown on Map No. 5 to Official Plan of the former Regional Municipality of Hamilton-Wentworth.

Volume 3: Map A, Special Policy Areas

As mentioned above, the Ministry has proposed a modification to remove SPA B – Future Urban Growth Node in its entirety from Map A.

Public Comments Received

Twenty Road East Landowners

Counsel for numerous owners of lands in the vicinity of Twenty Road East comprising approx. 325 hectares (800 acres) have written requesting that the designation of their lands be deferred pending completion of the City's GRIDS study and comprehensive review exercise. Specifically, they have raised concerns with respect to the GRIDS process, particularly that the GRIDS preferred growth option does not include lands in the vicinity of Twenty Road East as the preferred growth option. They believe that their lands represent an appropriate location for future residential urban growth as part of a future urban boundary expansion.

As previously mentioned, in May 2006 when Council endorsed the City's GRIDS Final Report as the City's growth management study, Council directed that City staff investigate and report back on any opportunities/implications of incorporating the subject lands into the city's growth strategy.

- Copetown Lions Development Association

A consultant for the Copetown Lions Club, a service group in the Copetown Settlement Area has written with respect to concerns with the City's Sustainable Private Water and Wastewater Services policies, specifically the policies which restrict new and expansions of existing private communal water and sewage services in Section C.5.0 of the Plan and whether this is consistent with the PPS. Copetown Lions Club would like to develop multi-unit housing for seniors within the Copetown Rural Settlement Area.

Winona Urban Boundary Issue

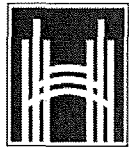
MMAH has received written comments from residents relating to the interpretation of the Rural Plan and the delineation of the urban boundary in the vicinity of the Winona. As mentioned above, MMAH is proposing to defer the urban boundary in the vicinity of Winona until the decision of the Joint Board has been rendered.

515 Miles Road (James and Felicia Capucinello)

Counsel for owners of 515 Miles Road has written requesting that the Minister deny approval of the Rural OP primarily because his client's lands have not been included within the proposed expanded urban boundary (i.e. SPA B).

Mineral Aggregate Industry

The Ministry has received written comments from consultants on behalf of various aggregate producers such as Lafarge North America, Dufferin Aggregates and St Mary's Cement citing concerns primarily related to the natural heritage and mineral aggregate resource policies of the Plan. A number of the Ministry's proposed modifications may address a number of these concerns.



Hamilton

INFORMATION REPORT

**CITY WIDE
IMPLICATIONS**

To:	Chair and Members Planning & Economic Development Committee		
From:	Lee Ann Coveyduck General Manager Planning and Economic Development Department	Telephone: Facsimile: E-mail:	905 546-4339 905 546-4364 lcoveydu@hamilton.ca
Date:	August 18, 2006		
Re:	G.R.I.D.S. – Twenty Road and Glover Road Lands (City Wide) (PED06365)		

Council Direction:

At the May 24, 2006 Committee of the Whole meeting, Committee directed "That Planning and Economic Development Staff be directed to investigate and report back on any opportunities and the implications of incorporating the lands north of Twenty Road, south of the Hydro corridor, west of Glanbrook Industrial Business Park and east of Upper James and the Southeast Corner of the Glanbrook Industrial Business Park into the city's Growth Strategy".

Background Information:

In May 2006, Council endorsed the Growth Related Integrated Development Strategy (GRIDS) Final Report and as the City of Hamilton's growth management strategy, and that the strategy be incorporated into the urban structure and associated policies for the City of Hamilton Official Plan review, the infrastructure master plans (i.e. stormwater, transportation and water and wastewater) and the preparation of a new development charges by-law for the City of Hamilton.

The adopted growth management strategy and urban structure accommodates the majority of the projected residential growth within the existing urban boundary and provides for the designation of corridors and nodes. Corridors are mixed uses areas that serve a main street function that do/will provide locations for the retailing of goods and services, community and recreational uses. The nodes reflect existing areas of live, work and play activities and residential intensification opportunities will be directed/facilitated to occur within the defined nodes to support public transit and the other objectives of the growth management strategy. A new node centered on the Rymal Road – Centennial Parkway (the Elfrida Node) is proposed. Through the preparation of the Official Plan and Zoning By-law, the detailed locations and amount of land use activities will be developed.

The recommended urban structure and associated growth option was developed in using the Provincial growth forecasts prepared for the Greater Golden Horseshoe area, in accordance with the requirements of the *Growth Plan* (i.e Places to Grow).

Early in the GRIDS process, mapping was prepared to reflect the fact that there are many portions of the City that are valued for their natural heritage and resource functions (e.g. Provincially Significant Wetlands, Areas of Natural and Scientific Interest and other Environmentally Significant Areas). All of these geographic areas were put together on one map to provide a better understanding of where new growth could go. This information was presented to the public at the GRIDS public consultation events on the Growth Concepts in May, 2005 and on the Growth Options in November-December, 2005. What the map revealed was that the Greenbelt Plan did not establish the City's de facto urban boundary because there was more unconstrained area available for growth than is required for the next 25 years.

At the beginning of the GRIDS process, growth concepts were prepared and presented to the community for consultation. The "business as usual" concept whereby growth is dispersed along the urban edge was rejected by the community as being inconsistent with Vision 2020 and the 9-Strategic Directions.

Throughout the GRIDS process, Triple Bottom Line (TBL) was used as the evaluation framework. The TBL tool assessed the degree to which the various growth concepts/options moved towards or away from the goals and objectives of *Vision 2020*.

The City of Hamilton is projected to grow by about 72,000 households and 80,000 jobs in the 2006-31 time period. Population growth will be accommodated through:

- existing, but not developed areas of the City;
- residential intensification;
- lower Stoney Creek (SCUBE); and,
- new growth areas, primarily being a community node located in area known as Elfrida.

Based on the existing residential land supply (subject to resolution of servicing constraints) an urban boundary expansion is not required in the short term, but would be required in the 2016-2021 time period to allow for sufficient time to complete the secondary planning process. The growth management strategy was developed to plan for the approximately 21,000 units that cannot be accommodated within the existing urban boundary. Building on the complete community concept whereby a full range of housing types and related land uses are provided, a total land budget of 1,300 ha (3,200 acres) was established.

Employment growth is comprised of office employment, population-related employment and employment-lands employment. Office employment is directed to the downtowns of the former communities to reinforce these areas. Population related employment is accommodated with existing and planned neighbourhoods. The balance of the employment growth will be accommodated within the existing industrial business parks and the Special Policy Area to the west of Glancaster Road.

Twenty Road Area

The "Twenty Road Lands" are bounded by Twenty Road and south of the Hydro Corridor between Upper James St and the North Glanbrook Industrial Business Park (shown as Area "A" on Appendix "A"). This total land area is approximately 235 ha., and there are both agricultural and rural residential land uses within this area. Turner Park is located at the westerly limits of this area.

As part of the Official Plan process, the City undertook a multi-criteria analysis known as LEAR which classified lands as being either agricultural or prime-agriculture. The lands along Twenty Road were identified as being "agriculture" which was translated into a rural land use designation in the Official Plan. The Provincial Policy Statement (PPS) states that prime agricultural lands should be avoided if there are "no reasonable alternatives" and that the PPS is to be read in its entirety and all relevant policies applied (e.g. policies on energy and air quality are to be read in conjunction with the policies on boundary expansions).

Two key natural feature areas have been identified within this area. A significant woodland area is located west of Miles Road. The woodland is approximately 10.5 ha in size and has been identified as a significant woodland because of its size, interior forest habitat, and proximity to water. There is a second significant woodland that is located east of Miles Road. This woodland is 11.25 hectares in size and is significant because of its size, proximity to water, and proximity to an ecological corridor. In conjunction with this woodland, there is a 12.11 hectare wetland. The southwest portion of this wetland has been evaluated and identified by the Ministry of Natural Resources as a Provincially Significant Wetland. The wetland is located at the headwaters of the Redhill Creek watershed.

The lands along Twenty Road were incorporated into two of the GRIDS growth options (Options 3 and 4). As the City's long term employment land needs will be accommodated through the development of the Highway 6 employment study area, additional employment lands are not required. As such, the Twenty Road lands were assessed in the GRIDS process based on their potential for residential development.

Typically, neighbourhoods develop at a 65:35 split in that 65% of the area is developed for residential purposes and the balance is developed for parkland, institutional and commercial uses. As such, of the 235 ha of land area, approximately 150 ha would be utilized for residential purposes, or a potential development yield of about 4,000 units and a population of about 9,200 people. This would provide an approximate density of 40 persons/ha.

There are insufficient lands in the Twenty Road area to accommodate all of the City's projected growth. As such, residential development in the Elfrida area and Deferral 11 areas would still be required. Therefore, growth in the Twenty Road area was assessed in conjunction with growth in other areas.

Although these lands are adjacent to the urban area, there are limited opportunities to integrate the Twenty Road lands with the lands to the north of the hydro corridor because of limited connectivity, street orientation and lot orientation (in fact the

approved Broughton West Neighbourhood Plan identifies the potential closure of Miles Road when Upper Gage and Upper Sherman Avenue are extended to Twenty Road.

A watermain has been installed along Miles Road and Twenty Road (but terminates approximately 400m to the west of the North Glanbrook Industrial Business Park (NGIBP)). It has been suggested that the lands along Twenty Road could be serviced from the NGIBP to provide a sanitary sewer outlet. It is noted that Upper Ottawa Street is planned to be extended southerly to Twenty Road within the NGIBP and that lands along the westerly limits of the NGIBP would be serviced from the extension of Upper Ottawa St., as opposed to extending sewers along Twenty Road. In addition, the reassignment of sewer capacity from the NGIBP for residential development could be detrimental to the long term development of the NGIBP. Rather, because it is not proposed to oversize the sewers in the NGIBP to accommodate lands outside of the NGIBP, it would be necessary to provide additional trunk sewer infrastructure in the Central Hamilton Mountain area to accommodate growth along Twenty Road.

Development along Twenty Road would provide housing opportunities in proximity to the NGIBP, but in accordance with MOE distance separation requirements, appropriate buffering would have to be provided between residential development and the planned industrial development to avoid land use conflicts. There are already a significant number of residential dwellings within the NGIBP that have implications for industrial development. In the absence of appropriate buffering, the industrial lands along the westerly limits of the NGIBP could not be used for the full range of industrial uses presently permitted under existing zoning, which permits manufacturing, industrial, warehousing and transportation related uses as-of-right.

Rymal Road has been identified in GRIDS as a corridor. Corridors are mixed uses areas that serve a main street function that do/will provide locations for the retailing of goods and services, community and recreational uses. Corridors connect a series of nodes. The nodes reflect existing areas of live, work and play activities. The nodes and corridors structure provides for the type of community envisioned in *Vision 2020*: a more vibrant, compact, transit-efficient forms of development and residential intensification opportunities will be directed/facilitated to occur within the defined nodes to support public transit and the other objectives of the growth management strategy. A corridor along Twenty Road would duplicate the corridor function of Rymal Road and therefore Twenty Road does not warrant designation as a corridor and therefore development along Twenty Road would not support the nodes and corridor urban structure.

Glover Road Lands (Lands Adjacent to NGIBP)

Located to the south and east of the Glanbrook Industrial Business Park is a 59 ha (150 acres) area that is comprised of rural residential and agricultural uses. Glover Road bisects this area and the easterly boundary is Trinity Church Road. These lands are shown as Area "B" on Appendix "A".

This area is within the Airport Influence Area with the majority of lands within the 25 – 28 NEF contours. In accordance with the Regional Official Plan Amendment No. 25, sensitive land uses may be permitted within the 25 - 28 NEF contours, provided that

noise mitigative measures in accordance with Provincial and Federal guidelines/standards are implemented.

A watermain and sanitary forcemain have been installed along Trinity Church Road. The watermain terminates approximately 250 m north of Dickenson Road. The sanitary forcemain services the Binbrook area and does not extend beyond Golf Club Road.

Based on reasonable development standards (i.e. mixed use residential community), this area could be developed for approximately 450 dwelling units.

The proximity of these lands to the North Glanbrook Industrial Business Park (NGIBP) must be considered. The Glanbrook Official Plan states that "The existing character of the rural land surrounding the North Glanbrook Industrial-Business Park shall be encouraged to be retained and the surrounding existing residential development shall be protected. Particular attention shall be given to the development of this Park along its eastern boundary adjacent to Trinity Church Road and its southern boundary adjacent to Dickenson Road"

Additional residential development in proximity to the NGIBP would have to comply with MOE distance separation requirements and provide appropriate buffering to avoid land use conflicts. As previously noted, there are already a significant number of residential dwellings within the NGIBP that have implications for industrial development. As previously noted, manufacturing, industrial, warehousing and transportation related uses are permitted as-of-right under the existing zoning in NGIBP.

Although these lands are adjacent to the urban area, there are limited opportunities to integrate these with the abutting urban areas, given that the adjacent lands are designated for industrial uses. In addition, based on the North Glanbrook Transportation Master Plan in which Trinity Church is to be realigned to connect with Glover Road. Transit will be internally focused within the NGIBP and the future intersection of Dartnall Road and Twenty Road has been identified as a transit hub as it is central to the NGIBP area and in an area that is designated and zoned commercial.

Rymal Road has been identified as a corridor. Due to limited development opportunities, a corridor along Dickenson Road is not warranted. Therefore development along Dickenson Road would not support the nodes and corridor urban structure.

Issues and Concerns Raised By C. Chiaravelle

In August, 2006, Council referred correspondence from Carmen Chiaravelle respecting GRIDS to the General Manager of Planning and Economic Development for a report to the Planning and Development Committee.

Mr. Chairavelle owns land directly adjacent to the westerly limits of the North Glanbrook Industrial Business Park. GRIDS growth options 3 and 4 incorporated those lands owned by Mr. Chairavelle that were outside of the NEF contour area.

Subsequent to the adoption of the GRIDS report, Mr. Chairavelle has made several written submissions to Council and staff in which he suggests that Council should revisit their decision on the preferred growth option, and rather the lands along Twenty Road should have been included in the preferred growth option for residential development. His reasons are:

- The Twenty Road lands are not prime agricultural lands, whereas the lands in and around the Elfrida area are prime agricultural lands;
- The Twenty Road lands are adjacent to the existing urban area;
- The Twenty Road lands can be serviced using the proposed services for the North Glanbrook Industrial Business Park;
- The inclusion of Pleasantview in Option 3 put the Twenty Road lands at an unfair position relative to the other growth options; and,
- There are significant natural features in the Elfrida area.

A response to this issues is provided below.

Agricultural lands: As part of the Official Plan process, the City undertook a multi-criteria analysis known as LEAR which classified lands as being either agricultural or prime-agriculture. The Twenty Road and Glover Road lands were identified as being "agriculture" which was translated into a rural land use designation in the Official Plan. The Provincial Policy Statement PPS states that prime agricultural lands should be avoided if there are "no reasonable alternatives" and that the PPS is to be read in its entirety and all relevant policies applied (e.g. energy and air quality to be read in conjunction with the policies on boundary expansions). Through the Triple Bottom Line evaluation process, the growth concepts/options were assessed on a variety of measures, including PPS requirements, and the Nodes and Corridors option was the option that provided the best balance amongst the PPS policies and moved the City towards to goals and objectives established in the 9-Directions.

Proximity to Urban Area: Although these lands are adjacent to the urban area, there are limited opportunities to integrate the Twenty Road lands with the lands to the north of the hydro corridor because of limited connectivity, street orientation and lot orientation (in fact the approved Broughton West Neighbourhood Plan identifies the potential closure of Miles Road when Upper Gage and Upper Sherman Avenue are extended to Twenty Road. It is noted that the all of the lands included within the preferred GRIDS growth option are adjacent to the existing urban area.

Residential development along Twenty Road adjacent to the NGIBP would have to comply with MOE distance separation requirements to avoid land use conflicts. The existing zoning permits a range of manufacturing, industrial, warehousing and transportation related uses as-of-right within the NGIBP and the options would be either to require the industrial uses to provide the mitigative measures or to avoid land use conflicts by ensuring appropriate separation between residential and industrial uses. The later is the preferred option given the investments being made in the NGIBP to stimulate industrial development.

Servicing – Utilization of NGIBP Services: It has been suggested that the lands along Twenty Road could be serviced from the NGIBP to provide a sanitary sewer outlet. It is noted that Upper Ottawa Street is planned to be extended southerly to Twenty Road

within the NGIBP and that lands along the westerly limits of the NGIBP would be serviced from the extension of Upper Ottawa St., as opposed to extending sewers along Twenty Road. In addition, the reassignment of sewer capacity from the NGIBP for residential development could be detrimental to the long term development of the NGIBP. Rather, because it is not proposed to oversize the sewers in the NGIBP to accommodate lands outside of the NGIBP, it would be necessary to provide additional trunk sewer infrastructure in the Central Hamilton Mountain area to accommodate growth along Twenty Road.

Pleasantview: Although the Pleasantview area is within the Greenbelt Plan area, the Greenbelt Plan has retained the Parkway Belt West Plan. In this regard, an application could be brought forward to permit limited residential development in this area. As such, approximately 200 acres of land in the Pleasantview area were identified for growth and incorporated into GRIDS Growth Option 3. Inclusion of the Pleasantview area in the growth options allowed for an assessment of the implications of permitting limited development to occur in this area.

The Twenty Road lands were also included in GRIDS Growth Option 4 which provided an evaluation of these lands, without the Pleasantview area.

Natural Features: There are many portions of the City that are valued for their natural heritage and resource functions. These areas are not highly suitable for new growth and development, such as, but not limited to:

- Provincially Significant Wetlands;
- Areas of Natural and Scientific Interest;
- Significant woodlands;
- Regionally and/or locally significant wetlands; and
- Environmentally Significant Areas.

Based on the areas where growth cannot occur and should be discouraged, all of these geographic areas were put together on one map to provide a better understanding of where new growth could go. This information was presented to the public at the May, 2005 and the November-December, 2005 public consultation events on the Growth Concepts and Growth Options. What the map revealed was that there was more unconstrained area available for growth than is required for the next 25 years. The collection of growth constraints is common to all growth options.

In addition, natural heritage mapping and policy directions that reflects the system of natural areas were presented to the public as part of the Official Plan consultations for the rural areas in January, 2006 and May, 2006.

Natural heritage features are present in all of the growth option areas, including the Elfrida area and the Twenty Road area. As part of the Triple Bottom Line evaluation process, ecological well being was an important consideration. The natural heritage policies in the proposed official plan establish the requirement that an environmental impact assessments demonstrating no adverse affect on the natural environment as a precursory to allowing any development to occur within or adjacent to an identified natural feature.

Opportunities and Implications for GRIDS

Both the Twenty Road lands and the Glover Road lands were incorporated into the GRIDS growth options (Twenty Road lands were included in Options 3 and 4, the Glover Road lands in Option 3). Given that City's long term employment land needs will be accommodated through the development of the Highway 6 employment study area, the Twenty Road and Glover Road lands were assessed in the GRIDS process based on their potential for residential development.

If these lands were incorporated into the GRIDS growth strategy, then approximately 4,400 dwelling units could be developed on these lands. A total of 21,600 units will be developed in the urban growth areas identified in GRIDS, of which approximately 2,950 units will be in the lower Stoney Creek area (SCUBE). To add the Twenty Road and Glover Road lands, then growth would have to be reassigned from the GRIDS growth areas.

As part of the Official Plan process, the City undertook a multi-criteria analysis known as LEAR which classified lands as being either agricultural or prime-agriculture. The Twenty Road and Glover Road lands were identified as being "agriculture" which was translated into a rural land use designation in the Official Plan. The Provincial Policy Statement PPS states that it is to be read in its entirety and all relevant policies applied. In this regard, the PPS requires that prime agricultural lands should be avoided if there are "no reasonable alternatives". In addition, the Growth Plan came into effect on June 16, 2006 and requires municipalities to ensure that new growth areas are planned on the basis of being complete communities that are transit supportive.

Through the Triple Bottom Line evaluation process, the growth concepts/options were assessed on a variety of measures, including PPS requirements, and the Nodes and Corridors option was the option that provided the best balance amongst the requirements of the Growth Plan and PPS policies and moved the City towards to goals and objectives established in the 9-Directions. Options 3 and 4 were less likely to create complete communities that support and promote public transit.

As part of the GRIDS process, neighbourhood plan templates were developed to obtain a better understanding of what will future neighbourhoods look like based on a shift in housing based on the Provincial growth forecasts. It was envisioned at the beginning of this process that growth could be planned for based on 80 ha (200 ac) concession blocks. However, in order to create more compact communities that contain a variety of land uses and facilitate transit linkages and provide opportunities for live, work and play, it was determined that it was necessary to plan on the basis of larger contiguous areas to provide sufficient design flexibility. Neither the Twenty Road or the Glover Road lands are sufficient large enough to allow for the creation of the type of community envisioned in *Vision 2020* and the reduction in land area for the node at Rymal Road and Upper Centennial Parkway would limit land use arrangement/design options in this area to create an effective node.

Development of the Twenty Road and Glover Road lands would provide housing opportunities in proximity to the NGIBP. However, the implications of residential development of the NGIBP. MOE guidelines require that new industrial development be physically separated from residential development to avoid land use conflicts and

appropriate buffering would also have to be provided. There are already a significant number of residential dwellings within the NGIBP that have implications for industrial development. In the absence of appropriate buffering, the industrial lands adjacent to the Twenty Road and Glover Road lands could not be used for the full range of industrial uses presently permitted under existing zoning, which permits manufacturing, industrial, warehousing and transportation related uses as-of-right.

Conclusion

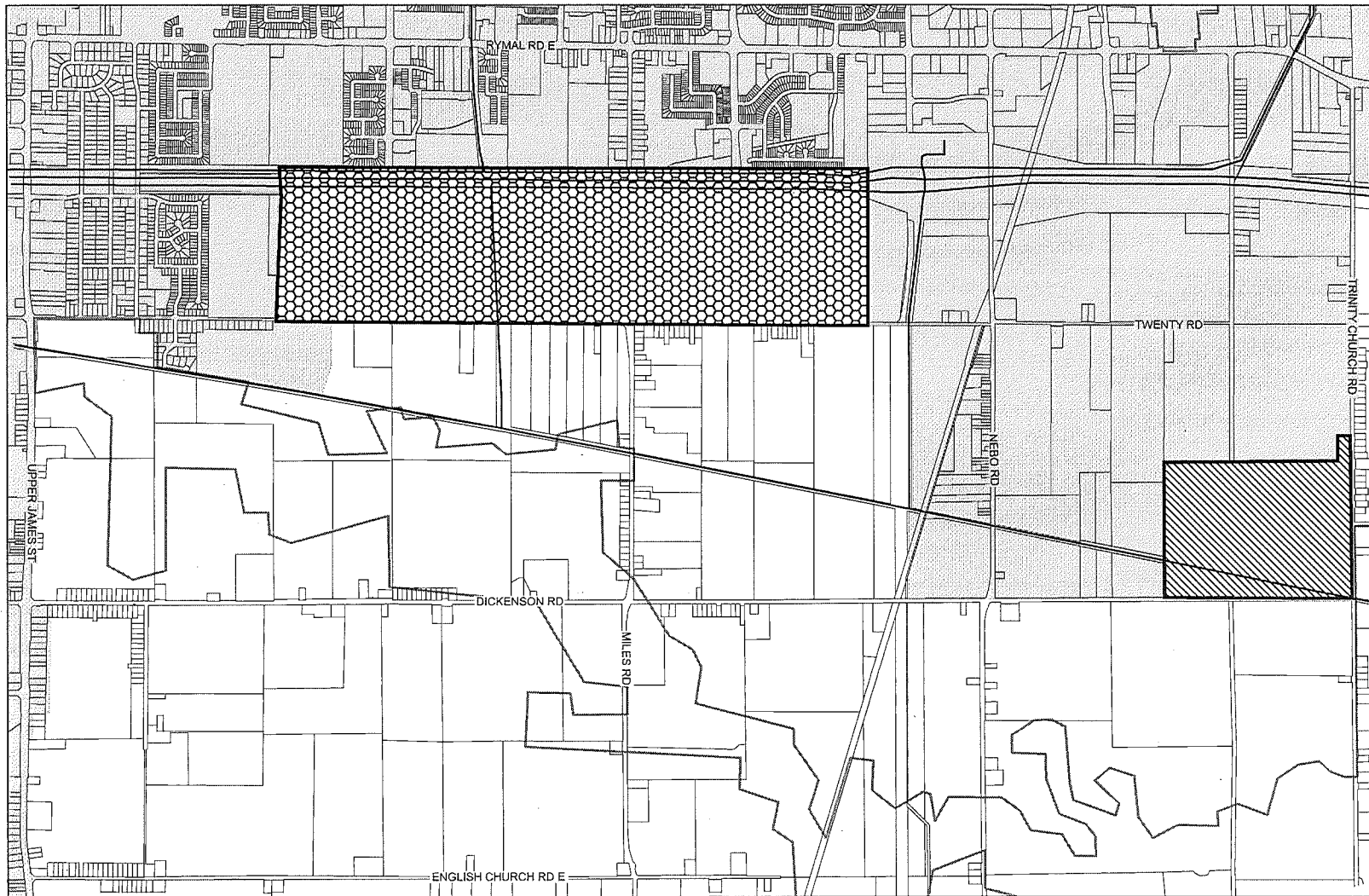
At the beginning of the GRIDS process, a range of growth concepts were developed to obtain community feedback on how should the City of Hamilton grow. The “status quo” option, in which current development patterns would be retained and that development would continue at the present low densities and the City would expand the urban boundary based on housing market demand was rejected by the community as being contrary to Vision 2020.

The Provincial Growth Plan established the growth forecasts for Hamilton (i.e. 660, 000 people by 2031 and a growth of 72,000 households between 2006-31). In addition, the Growth Plan established a minimum 40% intensification objective for GRIDS. The effect of the Growth Plan is that the City’s de facto future urban boundary was not automatically set by the Greenbelt Plan because there are more unconstrained areas available for growth than the City requires for the next 25 years. As such, a choice where growth would occur was required and the Triple Bottom Line tool was the evaluation framework adopted by the City to ensure that the preferred growth option moved the City towards the type of community envisioned in Vision 2020. In this regard, the nodes and corridors option was identified as the preferred growth option to create transit supportive, complete communities.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

:SR

Attach. (1)



LEGEND



AREA "A"



AREA "B"



URBAN AREA

— GREEN BELT BOUNDARY

..... TRANSMISSION LINES

G.R.I.D.S. Study Area

Date:
June 2006



Scale:
1:10000



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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ACTION 2020
Hamilton-Wentworth

50 Main Street East
Hamilton, ON L8N 1E9
Phone: (905) 540-5758
Fax: (905) 540-5760

On the Web: www.vision2020.hamilton-went.on.ca

RECEIVED **3.3(i)**
MAY 31 2000

May 31, 2000

Municipal Clerk
Region of Hamilton-Wentworth/City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Clerk,

Action 2020, Hamilton-Wentworth is filing the attached report concerning Official Plan Amendment Applications ROPA-99-01 and ROPA-99-02.

On behalf of Action 2020, I would like to request that we be listed as a delegation on the agenda for the meeting of the Environmental Services Committee meeting on June 13, 2000.

Yours Truly,

Murray Stephen
Executive Director

OFFICE OF THE MUNICIPAL CLERK	
MAY 31 2000	
REC. BY	DATE
REF'D TO <i>ESC</i>	DATE
REF'D TO	DATE
REF'D TO	DATE
ACTION:	



ACTION 2020

Hamilton-Wentworth

50 Main Street East
Hamilton, ON L8N 1E9
Phone: (905) 540-5758
Fax: (905) 540-5760
On the Web: www.vision2020.hamilton-went.on.ca

Submission to: Environmental Services Committee

Submitted by: ACTION 2020, Hamilton-Wentworth

Subject: Proposed amendment to the Hamilton-Wentworth Official Plan, Urban area expansion, Township of Glanbrook.

Date: May 31, 2000

ACTION 2020 is responsible for the administration and implementation of "VISION 2020", a program to make the Region of Hamilton-Wentworth a sustainable community.

The Board of Directors for ACTION 2020 passed the following motion at their meeting on May 30, 2000.

"That ACTION 2020, Hamilton-Wentworth advise the Region of Hamilton-Wentworth that it does not support the proposed amendment to the Hamilton-Wentworth Official Plan by adjusting the urban area boundary to include the lands contained in Regional Official Plan Amendment applications ROPA-99-01 and ROPA-99-02."

ACTION 2020 is opposed to the adjustment of the urban boundary at this time and the inclusion of these lands within the urban boundary since the amendment is contrary to the process and commitment as set out in the Official Plan for urban expansion amendments and the amendments do not meet 2 specific goals of the VISION 2020 program.

Process To Change Urban Area Boundary

The Official Plan contains a section that sets out the process that the municipality would follow for the change in designation for the urban area boundary. The Plan states that there is a commitment to a compact urban form and the preservation of agricultural lands and natural features. This desired form of a delineated firm urban boundary would not be open to ad hoc exceptions once it was established. To establish and maintain the firm urban/rural boundary, the municipality will use the following process.

1. Consider the need for additions to the Urban Area at the time of five-year Official Plan Review.
2. Defer applications for Regional Official Plan Amendments seeking to add lands to the Urban Area designation until the time of the Official Plan Review.



ACTION 2020

- 3.a) The Region-wide need for additional urban designations based on up-dated population, household and employment projections.
- b) The need for additional urban areas according to the distribution of expected growth between rural and urban areas and among Area Municipalities as set out in this plan. A ten year planning time frame will be used in conjunction with the supply of vacant residential land within each municipality and the achievement of housing targets;
- c) opportunities for a variety and mix of housing, including high density and mixed uses and the proximity or residential used to commercial, institutional and industrial services and employment centers and transportation infrastructure;
- d) potential environmental impacts and opportunities for enhancement, as may be determined by a sub-watershed plan;
- e) loss of prime agricultural land and mineral aggregate extraction opportunities;
- f) opportunities for the use of intensification within the existing urban boundary, as an alternative to urban boundary expansion;
- g) consultation with the public, Area Municipalities, and other government agencies;
- h) social impacts;
- i) cost and feasibility of providing a reasonable level of transit service, and the potential to encourage as an alternative to driving;
- j) capital and operating costs, feasibility of providing and maintaining roads, storm and sanitary sewers, and piped water;
and
- k) Any other servicing costs.

Conclusion

This application to amend the urban boundary is contrary to the commitment that such amendments would be processed at the time of the 5 year revision and the application has not been subjected to a Region wide need evaluation process that is set out in the Official Plan. The loss of prime agricultural land and the opportunities for the use of intensification within the existing urban boundary are but two examples where this application warrants deferral until the 5-year review process has been established.

VISION 2020 Impacts

Agriculture is considered a strategic community resource and is a vibrant part of the regional economy. The preservation and protection of specialty crop soils is a specific strategy in making Hamilton-Wentworth a sustainable community. Up to 1998 Hamilton-Wentworth Region has lost approximately 110 hectares of agricultural lands due to Official Plan amendments. The largest target set out in VISION 2020 calls for no further loss of agricultural lands, due to this type of change in the Official Plan. The protection of agricultural lands makes a major contribution to the quality of life; prime agricultural land is recognized as irreplaceable; and actions must be taken to ensure that the subject lands remain outside the urban boundary so that they can continue to be used for food production.

VISION 2020 as a goal in "Land Use in the Urban Area" proposes that urban sprawl and suburban encroachment be curbed and will continue to support the firm urban and rural settlement areas as established in the Official Plan in 1995.

Conclusion

The subject Official Plan amendment does not meet the goals for "Agriculture and the Rural Economy" nor the goal for "Land Use in the Urban Area" as specified in VISION 2020.



4.0 NORTH GLANBROOK LANDS

The North Glanbrook lands are the lands bounded by Trinity Church Road, Swayze Road, Rymal Road and the Ontario Hydro Corridor which includes the Multi-Area Developments Inc. lands. The subject lands represent approximately 185 ha of land.

A reasonable estimate of 75% of this land can be assumed to be residential land which equates to approximately 140 ha solely for residential land uses (2520 units - 4788 people).

4.1 Positive Aspects

Creation of a logical and consistent Urban Boundary of the Hydro Corridor which is consistent urban boundary identical to the Hamilton City limits.

Provides a buffer area from the abutting agricultural operations.

Provides certainty for the farmers to the south to allow investment.

The lands can be serviced - a large portion of the lands were already designed into the Heritage Green system.

Former sod farm on Multi-Area lands which, through its normal farming practices, removes a significant amount of top soil depleting the soils and resulting in marginal agricultural production.

4.2 Staff Recommendation Regarding the Subject Lands

"(c)(i) a supply of Urban Area designated land is available elsewhere to accommodate future commercial opportunities within a 20-year time frame"

Staff have jumped the gun here - the purpose of the application is to request inclusion of the lands within the Urban Boundary not to approve a final development plan.

Prior to the approval of a Secondary Plan it is premature for staff to comment on the appropriateness of commercial uses once the final land uses (as a mixed development of residential, institutional, recreational, and commercial) are determined.

This reason for staff denial has no basis.

"(c)(ii) residential development on Urban Area designated lands south of Rymal Road East would conflict with the planning intentions of the Hamilton-Wentworth Official Plan pertaining to the Heritage Green area of Stoney Creek;"

This is specifically where staff have used the Red Hill Creek Expressway as a double standard.

The Regional Official Plan has a cap on the population requiring the construction of the expressway link to the QEW and staff suggest the subject lands are impacted by this cap (#4 pg. 14)

Directly across Trinity Church Road from the subject lands, staff have suggested a portion of the Hamilton East Mountain Business Park should be re-designated for residential as the Red Hill Creek is only a short term constraint (#4 pg. 22)

What is good for Hamilton should also be fair for both Stoney Creek Mountain and Glanbrook.

This reason for staff denial is flawed.