



PLANNING COMMITTEE

REPORT 12-019

9:30 am

Tuesday, December 4, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Clark (Chair), J. Farr (1st Vice Chair), B. Johnson (2nd Vice Chair), C. Collins, L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Also Present: Councillor S. Duvall

THE PLANNING COMMITTEE PRESENTS REPORT 12-019 AND RESPECTFULLY RECOMMENDS:

1. Appointment of Chair and Vice-Chairs (Item A)

- (a) That Councillor Farr be appointed as Chair of the Planning Committee for 2013;
- (b) That Councillor Johnson be appointed as 1st Vice Chair of the Planning Committee for 2013;
- (c) That Councillor Partridge be appointed as 2nd Vice Chair of the Planning Committee for 2013.

2. Application for an Amendment to Ministry of Environment Environmental Compliance Approval (Waste Site) No. 8902-8HKPNP, Ministry of Environment Reference #7216-8CZLEL, 565 Arvin Avenue (Stoney Creek) (PED12230) (Ward 10) (Item 5.1)

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider

approving Application MOE-CA-12-002, by Mida International Inc., Applicant, for an amendment to Environmental Compliance Approval (Waste Site) No. 8902-8HKNPN, to permit an increase in the total amount of waste and processed materials stored at any one time from 890 tonnes to 1,100 tonnes at the current waste disposal facility, on the lands located at 565 Arvin Avenue (Stoney Creek), as shown on Appendix "A" to Report PED12230, that the City of Hamilton requests:

- (a) That, if approved, the Environmental Compliance Approval (ECA) include the following requirements:
 - (i) That the applicant applies for and receives final approval of a Site Plan application from the City's Planning Division, if required, to the satisfaction of the Manager, Development Planning;
 - (ii) That the Environmental Compliance Approval limit the daily processing of waste to a maximum annual average of 200 tonnes per day, a maximum of 25,000 tonnes per year, and a maximum storage of 1,100 tonnes of waste at any one time;
 - (iii) That an inventory of waste types stored on site should be updated daily, and be provided to the Ministry of Environment;
 - (iv) That the waste streams accepted at this facility be limited to non-hazardous municipal solid waste comprised of waste electronic and electrical equipment (WEEE) collected under the Ontario Electronic Stewardship (OES) Program, as well as scrap metal from residential, and industrial, commercial, and institutional (IC&I) sources;
 - (v) That the proponent be aware that Arvin Avenue is a Reduced Load Roadway from March 1 to April 30, where full loading of standard trucks is not permitted;
 - (vi) That a waste screening and testing program be developed and implemented to deal with unanticipated received materials;
 - (vii) That any fugitive hazardous waste quantities (i.e. batteries, leaded glass, ink, mercury switches, etc.) be identified and stored accordingly, and be sent to an approved recycler;
 - (viii) That an effective odour/dust/noise mitigation control plan for day-to-day activities be implemented;
 - (ix) That excellent on site housekeeping practices be implemented for overall general maintenance, including litter and vermin control;

- (x) That the proponent shall comply with the Fire Safety Inspection Report, dated September 27, 2012, and Fire Marshal's Inspection Order;
 - (xi) That the spills prevention and containment measures plan include measures to deal with douse water or fire water in the event of a fire;
 - (xii) That the proponent shall implement on site spills prevention and containment measures included in the Environmental Compliance Approval. That the Contingency Plans for spills on and off site, and clean-up procedures, are covered under the Environmental Compliance Approval, and that the City's Spill Reporting Line (905) 540-5188 and the Ministry of the Environment Spills Action Centre (800) 268-6060 be included in the company's Contingency Plan. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton. That the spill prevention and contingency plan be submitted, to the satisfaction of the Ministry of the Environment;
 - (xiii) That the exterior lock box located on the front gate of the west side of the building continue to have a current copy of the approved fire safety plan, daily product inventory list, including product quantities and exact location within the facilities, along with the MSDS sheets, as applicable, in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year;
 - (xiv) That waste accepted be limited to waste generated only from within Canada;
 - (xv) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use;
 - (xvi) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property;
- (b) That a copy of Report PED12230 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration;

- (c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Environmental Compliance Approval to the Clerk, City of Hamilton.

3. Committee of Adjustment Minor Variance Application GL/A-12:163 for the Property Located at 8226 White Church Road (Glanbrook), Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED12232) (Ward 11) (Item 5.2)

That Council direct appropriate Legal Services and Planning staff to attend the Ontario Municipal Board (OMB) hearing to support the Committee of Adjustment's decision to deny Committee of Adjustment Minor Variance Application GL/A-12:163, to permit the construction of a 9.8m wide x 14.7m deep x 4.8m high accessory structure in the rear yard of the property located at 8226 White Church Road (Glanbrook), as shown on Appendix "A" to Report PED12232, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment.

4. Hamilton Municipal Heritage Committee Minutes 12-010 (Item 5.3)

That the Hamilton Municipal Heritage Committee Minutes 12-010, be received.

5. Delegation from Ken Kelly respecting a driveway adjustment (Item 6.1)

That Ken Kelly be allowed the width requested for his driveway at no cost to him and that all fees be waived.

6. Increase to Fees Under the Building By-law (PED12227) (City Wide) (Item 6.4)

- (a) That the By-law, attached as Appendix "A" to Report PED12227 to amend City of Hamilton By-law No. 08-161, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix "A" to Report PED12227, be included in the User Fees and Charges By-law, replacing the fees listed under the heading "Classes of Permits and Fees New Construction and Additions Building Classifications per the Building Code".

7. Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton) (PED12239) (Ward 7) (Item 6.5)

That approval be given to Amended Zoning Application ZAC-11-002, by 2110044 Ontario Inc. (Concession Medical Pharmacy) and Rita Corsini, Owners, for changes in zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified, with a Special Exception (Blocks 1 and 2); from the Neighbourhood Institutional (I1) Zone to the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified, with a Special Exception (Block 3); from the "H" (Community Shopping and Commercial, Etc.) District to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified, with a Special Exception and a Holding Provision (Blocks 4 and 5); from the Neighbourhood Institutional (I1) Zone to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified, with a Special Exception and a Holding Provision (Block 6); and from the "C" (Urban Protected Residential) District to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified, with a Special Exception and a Holding Provision (Blocks 7 and 8), to permit the establishment of a public parking lot for the existing commercial buildings, with site-specific parking requirements, on lands located at 438, 444, 446, and 450 Concession Street; and to permit the retention of the existing dwelling on lands located at 18 East 18th Street (Hamilton), as shown on Appendix "A" to Report PED12239 on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED12239, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law, attached as Appendix "B" to Report PED12239, be added to District Map Nos. E-15 and W-14 of Zoning By-law No. 6593;
- (c) That the Draft By-law, attached as Appendix "C" to Report PED12239, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (d) That the lands referred to in the amending By-law, attached as Appendix "C" to Report PED12239, be removed from Map No. 1039 of Schedule "A" of By-law 05-200;
- (e) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

8. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229) (Ward 7) (Item 8.1)

That Council agrees to the following actions, as detailed in Report PED12229, respecting the appeal of City of Hamilton Committee of Adjustment Severance Application HM/B-12:01 (David and Sharon Almas, Owners), 11 Springside Drive (Hamilton) to permit the conveyance of an 850 sq. m. ± parcel of land for residential purposes and to retain a 915 sq. m. ± parcel of land containing an existing single detached dwelling, as shown on Appendix "A" to Report PED12229, approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application HM/B-12:01;
- (b) That Council directs appropriate Legal Services and Planning staff be authorized and directed to attend the future Ontario Municipal Board (OMB) Hearing in support of the appeal.

9. 2013 Tariff of Fees (PED12231) (City Wide) (Item 7.1)

- (a) That the draft amended Tariff of Fees by-law be added to Appendix "A" to Report PED12231, 2013 Tariff of Fees, to accompany Schedule "A", Schedule of Fees;
- (b) That By-law No. 04-003, being a By-law respecting Tariff of Fees, be repealed and replaced with the amended Tariff of Fees by-law, as attached as Appendix "A" to Report PED12231, 2013 Tariff of Fees;
- (c) That the Tariff of Fees by-law and Schedule of Fees, as attached as Appendix "A" to Report PED12231, 2013 Tariff of Fees, which has been prepared in a form satisfactory to the City Solicitor, be enacted and effective January 1, 2013;
- (d) That there be no fee increase for "routine" Committee of Adjustment applications for 2013.

10. Pan Am Stadium (PED12218) (Ward 3) (Item 7.2)

That Information Report PED12218, Pan Am Stadium, be received.

11. Draft Provincial Policy Statement Review 2012 - City of Hamilton Comments (PED12235) (City Wide) (Item 7.3)

- (a) That City Council inform Ministry of Municipal Affairs and Housing that it supports the draft revisions to the Provincial Policy Statement (PPS), dated September 2012, in principle, and recommends the following action and changes identified in Appendix “A”, as attached hereto:
 - (i) To hold the proposed changes to Section 2.5 - Mineral Aggregate Resources of the draft PPS in abeyance, and to combine the PPS Policy review with the ongoing Aggregate Resources Act (ARA) review;
 - (ii) To modify policies and definitions for the purposes of clarification;
 - (iii) To add new policies, terms, and definitions to strengthen policies;
 - (iv) To delete policies that weaken or that may impact the City in a negative way;
- (b) That City Council request the Ministry of Municipal Affairs and Housing to amend the PPS to allow the Committee of Adjustment to impose conditions of approval on consents (severances) to ensure farm consolidation occurs in cases where residences become surplus to a farming operation;
- (c) That the City Clerk be requested to forward the recommendations and this staff Report to the Ministry of Municipal Affairs and Housing, Provincial Planning Policy Branch.

12. Committee of Adjustment Consent Application GL/B-11:102 for Lands Located at 6355 White Church Road (Glanbrook) (PED12238) (Ward 11) (Item 8.3)

- (a) That staff be directed to reimburse the applicant for all associated surveying costs related to Application GL/B-11:102, for the property known municipally as 6355 White Church Road (Glanbrook), as it relates only to the change in lot configuration;
- (b) That the funding be provided from Dept. ID 812025, Account 44785, in the amount of \$1,808.00 and that payment is being made “without prejudice”.

13. Keeping of Chickens in Urban Areas (PED12247/BOH12039) (City Wide) (Item 8.4)

That Information Report PED12247/BOH12039, Keeping of Chickens in Urban Areas, be received and that no further action be taken.

14. Ministry of the Environment Environmental Compliance Approvals Process (Previously Certificate of Approvals Process) (PED12246) (Item 8.5)

That Planning staff be authorized to prepare and submit comments, on behalf of the City of Hamilton with concurrence from the respective Ward Councillor, to the Ministry of Environment, on applications for an Amendment to an Environmental Compliance Approval for Waste, as set out in Report PED12246.

15. Application for Approval of a Draft Plan of Condominium (Vacant Land) (25CDM-201205) for Lands Known as 3-35 Greenleaf Lane (Formerly 306 Woodworth Drive) (Ancaster) (PED12199) (Ward 12) (referred from November 6, 2012) (Item 8.7)

That approval be given to **Condominium Application 25CDM-201205, Schuit Homes Inc., Owner**, to establish a Draft Plan of Condominium (Vacant Land) to create a vacant land condominium for 9 single-detached dwelling units, a common element road and natural area, and a 3.0m public access across the property, subject to an easement in favour of the City of Hamilton, on lands known as 3-35 Greenleaf Lane (formerly 306 Woodworth Drive) (Ancaster), as shown on the attached location map marked as Appendix "A" to Report PED12199, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated May 25, 2012, as red-lined revised, showing the residential dwelling lots as Units 1-9, common elements, including Part 1 as a 3.0m access easement for public use, attached as Appendix "B" to Report PED12199;
- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Ancaster Zoning By-law No. 87-57 and By-law 09-064 as amended;
- (c) That prior to the registration of the final plan, the owner shall provide the Senior Director of Growth Management with a copy of the Condominium Declaration Document detailing the maintenance requirements and obligations of the Condominium Corporation with respect to the common element road, constructed with the Hanson Aquapave permeable pavement system; and the owner shall further provide that the

Condominium Corporation shall obtain the necessary approvals from the City of Hamilton for any change in construction material with respect to the common element road;

- (d) That prior to the registration of the final plan, the owner shall provide the Senior Director of Growth Management with a copy of the Condominium Declaration Document detailing the City of Hamilton's interest in Part 1 of the draft plan for the purposes of providing an easement exclusively for public use;
- (e) That the owner shall enter into a Development Agreement to ensure that each of the proposed 9 condominium units has legal interest, in common, to the Vacant Land Condominium, to the satisfaction of the City Solicitor;
- (f) That the owner shall agree to include in all Agreements of Purchase and Sale, and any rental or lease agreements required for occupancy, the following warning notices advising perspective buyers/tenants:
 - (i) "Purchasers/Tenants are advised that the future Condominium Corporation is responsible for all aspects of on-going maintenance, repair, and replacement, as need be, of all sewers, rear yard and street catch basins, and stormwater management systems located on the property and which service more than one unit, in accordance with the approved Site Plan (DA-11-072), along with any and all applicable maintenance schedules included with the Condominium Declaration Document."
 - (ii) "Purchasers/Tenants are advised that the future Condominium Corporation is responsible for all aspects of on-going maintenance, repair, and replacement, as need be, of all trees, shrubs, and other vegetative plantings, decorative walls, pergolas, arbours, and visual barriers within the common elements of the property, in accordance with the approved Site Plan (DA-11-172)."
 - (iii) "Purchasers/Tenants are advised that the erection or use of any building or structure (permanent or temporary) and fencing, the removal of any existing vegetation, and any maintenance, including the mowing of lawns or trimming of trees, within the 10.0m common element natural area provided at the rear of Units 6-9, and referenced in the approved Site Plan (DA-11-172), is prohibited, without the written approval of both the City of Hamilton and the Hamilton Conservation Authority."
 - (iv) "Purchasers/Tenants are advised that the 3.0m easement connecting Robina Road to Perth Park, referenced in the approved Site Plan (DA-11-172), shall be provided in favour of the City"

of Hamilton exclusively for public use, and shall be maintained in accordance with the easement documents.”

- (v) “Purchasers/Tenants are advised that large truck/vehicular movement will be limited throughout the approved condominium. As a result, municipal garbage collection vehicles will not enter the site. Garbage pick-up will, therefore, be co-ordinated and executed through the Condominium Agreement.”
- (vi) “Purchasers/Tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”
- (vii) “Purchasers/Tenants are advised that parking shall be provided in designated areas only, and that no obstruction to the fire route is permitted.”
- (g) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information;
- (h) That the owner shall complete the following, to the satisfaction of the Senior Director of Growth Management and Canada Post:
 - (i) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - (1) That the home/business mail delivery will be from a designated Centralized Mail Box.
 - (2) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations, prior to the closing of any home sales.
 - (ii) The owner further agrees to:
 - (1) Work with the Senior Director of Growth Management and Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the condominium.

- (2) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post and the Senior Director of Growth Management, to facilitate the placement of Community Mail Boxes.
 - (3) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.
 - (4) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and the Senior Director of Growth Management, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- (i) That prior to registration, the owner shall agree that the lands, as shown in the draft plan, are subject to the conditions and undertaking of the final approved Site Plan (DA-11-172). The owner shall further agree that this information shall also be included in all Purchase and Sale and/or Lease/Rental Agreements for all units within the Vacant Land Condominium;
 - (j) That the owner shall agree to deed, free and clear to the City of Hamilton, any easements that may be required for utility purposes;
 - (k) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton;
 - (l) That the owner shall enter into and register on title the Condominium Agreement incorporating the approved plan of condominium and related conditions.
16. **Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton) (PED12118) (Ward 4) (tabled on July 10, 2012) (Item 8.8)**

That approval be given to Zoning Application ZAR-12-071, by Posner Processing Ltd., Owner, for a change in zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 447, H48) Zone, with a Special Exception and Holding Provision, in Hamilton Zoning By-law No. 05-200, in order to permit the expansion of the existing Salvage Yard at 610 Beach Road onto 586 Beach

Road (Hamilton), as shown on Appendix "A" to Report PED12118, on the following basis:

- (a) That the revised draft By-law, that reflects the discussions between staff, the ward Councillor, the applicant and public stakeholders and implements a satisfactory form of buffering between the subject lands and adjacent residential uses. attached as Appendix "B" to Report PED12118, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan;
- (c) That the applicant also agrees that no torch cutting will occur until such time that all required Certificates of Approval from the Ministry of Environment have been obtained.

FOR THE INFORMATION OF COUNCIL:

(a) APPOINTMENT OF CHAIR AND VICE-CHAIRS (Item A)

Councillor Partridge was nominated as the 2nd Vice Chair of the Planning Committee for 2013.

For disposition on this Item, refer to Item 1.

(b) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the Agenda:

4. DELEGATION REQUESTS

- 4.2 Delegation Request from Anthony Chiarella respecting item 7.1, 2013 Tariff of Fees (PED12231) and item 8.2, City of Hamilton Revised Sidewalk Policy for New Development (PED12234), for today's meeting
- 4.3 Delegation Request from Wilfred Hart respecting item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229), for today's meeting

- 4.4 Delegation Request from Ward Campbell respecting item 7.1, 2013 Tariff of Fees (PED12231), for today's meeting

7. PRESENTATIONS

7.1 2013 Tariff of Fees (PED12231) (City Wide)

- (iii) Correspondence from Losani Homes
- (iv) Correspondence from Marz Homes
- (v) Correspondence from Dussin Quality Homes
- (vi) Correspondence from Sonoma Homes
- (vii) Correspondence from New Horizon Development Group Inc.

The Agenda for the December 4, 2012 meeting of the Planning Committee be approved, was amended.

(c) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict of interest for Item 7.3, Draft Provincial Policy Statement Review 2012 - City of Hamilton Comments (PED12235) (City Wide), as his family is involved in the aggregate industry.

(d) APPROVAL OF MINUTES (Item 3)

(i) November 20, 2012

The Minutes of the November 20, 2012 Planning Committee meeting were approved.

(e) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from David Almas respecting Item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (Item 4.1)

The delegation request from David Almas, respecting item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton), was approved.

- (ii) Delegation Request from Anthony Chiarella respecting item 7.1, 2013 Tariff of Fees (PED12231) and item 8.2, City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (Item 4.2)**

The delegation request from Anthony Chiarella, respecting item 7.1, 2013 Tariff of Fees (PED12231) and item 8.2, City of Hamilton Revised Sidewalk Policy for New Development (PED12234), was approved.

- (iii) Delegation Request from Wilfred Hart respecting item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229) (Item 4.3)**

The delegation request from Wilfred Hart, respecting item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229), was approved.

- (iv) Delegation Request from Ward Campbell respecting item 7.1, 2013 Tariff of Fees (PED12231) (Item 4.4)**

The delegation request from Ward Campbell, respecting item 7.1, 2013 Tariff of Fees (PED12231), was approved.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

- (i) Delegation from Ken Kelly respecting a driveway adjustment (Item 6.1)**

Mr. Kelly addressed the Planning Committee respecting the widening of his driveway and requested that his driveway be adjusted to match the width of his garage.

The presentation from Ken Kelly respecting a driveway adjustment, was received.

For disposition on this Item, refer to item 5.

(ii) Delegation from James Roberts respecting the Hamilton Animal Control By-law (Item 6.2)

Mr. Roberts addressed the Planning Committee with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

Discussion included allowing for staff to work with Mr. Roberts and his neighbours by using the Neighbourhood Dispute Resolution Initiative.

The presentation from James Roberts respecting a driveway adjustment, was received.

(iii) Delegation from Darlene Miller respecting increased licensing fees for body rub parlours (Item 6.3)

The delegation request from Darlene Miller respecting increased licensing fees for body rub parlours, was tabled until proceedings have been completed at the Licensing Tribunal.

(iv) Increase to Fees Under the Building By-law (PED12227) (City Wide) (Item 6.4)

No public speakers came forward.

The public meeting respecting, Report PED12227, Increase to Fees Under the Building By-law, was closed.

The staff presentation respecting, Report PED12227, Increase to Fees Under the Building By-law, was waived.

For disposition on this Item, refer to item 6.

(v) Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton) (PED12239) (Ward 7) (Item 6.5)

In accordance with the provision of the Planning Act, Vice-Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the

Council of the City of Hamilton before Council approves the zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12239, Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton), was closed.

The staff presentation respecting, Report PED12239, Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton), was waived.

For disposition on this Item, refer to item 7.

Item 8.1, Report PED12229, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton), was heard at this time.

(vi) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229) (Ward 7) (Item 8.1)

The staff presentation respecting PED12229, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton), was received.

Speakers:

1. Al Freeman

Mr. Al Freeman, on behalf of David Almas, addressed committee and requested that the item be tabled until the January 15, 2013.

2. Wilfred Hart

Mr. Hart addressed committee with concerns over maintaining the open concept of the area.

The public presentations respecting PED12229, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton), were received.

The main motion CARRIED on the following vote:

Yeas: J. Farr, C. Collins J. Partridge, R. Pasuta, L. Ferguson,
T. Whitehead, B. Johnson
Total: 7
Nays: M. Pearson
Total: 1
Absent: B. Clark
Total: 1

For disposition on this Item, refer to item 8.

(g) PRESENTATIONS (Item 7)

(i) 2013 Tariff of Fees (PED12231) (City Wide) (Item 7.1)

- (aa) Correspondence from Winzen Homes Ltd.
- (bb) Correspondence from Starward Homes Ltd.
- (cc) Correspondence from Losani Homes
- (dd) Correspondence from Marz Homes
- (ee) Correspondence from Dussin Quality Homes
- (ff) Correspondence from Sonoma Homes
- (gg) Correspondence from New Horizon Development Group Inc.

Guy Papparella provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

Jim Bruzzese, BMA Management Consulting, provided an overview of the consultant's report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation and consultants presentation respecting Report PED12231, 2013 Tariff of Fees, was received.

Speakers:

1. Sergio Manchia

Mr. Manchia, IBI Group, expressed concern with the increases and provided a spreadsheet with the increases outlined.

2. Anthony Chiarella

Mr. Chiarella, Hamilton-Halton Home Builders Association, expressed concerns with the increases and suggested that the fees be deferred.

Suzanne Mammel, Chair of Development Council, of HHHBA also addressed questions from the Committee.

3. Ward Campbell

Mr. Campbell, President, Starward Homes Ltd., expressed concerns with 100% cost recovery and the rate of increases.

The public presentations and correspondence respecting Report PED12231, 2013 Tariff of Fees, were received.

That Report PED12231, 2013 Tariff of Fees, be tabled until January 15, 2013.

The motion LOST on the following vote:

Yeas: R. Pasuta, L. Ferguson, M. Pearson, T. Whitehead

Total: 4

Nays: B. Clark, C. Collins, J. Farr, B. Johnson, J. Partridge

Total: 5

Report PED12231, 2013 Tariff of Fees, was amended as follows:

- (a) That the draft revised Tariff of Fees by-law be added to Appendix "A" to accompany Schedule "A";
- (b) That By-law No. 04-003, being a By-law respecting Tariff of Fees, be rescinded and replaced with the revised Tariff of Fees by-law, as attached as Appendix "A";
- (c) That the Tariff of Fees by-law, as attached as Appendix "A", which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (d) That Planning and Engineering staff report back to Planning Committee with options/alternatives as it relates to a reduced fee schedule on tax incentive programs for heritage building applications;
- (e) That the report include a summary of current incentives offered to heritage property owners.
- (f) That there be no fee increase for "routine" Committee of Adjustment applications for 2013.

For disposition on this Item, refer to item 9.

Planning Committee recessed at 2:10 p.m., and reconvened at 2:26 p.m.

(ii) Pan Am Stadium (PED12218) (Ward 3) (Item 7.2)

Heather Travis, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED12218, Pan Am Stadium, was received.

Robert Johnston and Neil Vorhrah, design team and developer for the stadium, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The presentation respecting Report PED12218, Pan Am Stadium, was received.

Staff were directed to report back to the Planning Committee to show final schematics of the stadium and civic plaza once they are satisfied it meets the Urban Design criteria.

For disposition on this Item, refer to item 10.

(iii) Draft Provincial Policy Statement Review 2012 - City of Hamilton Comments (PED12235) (City Wide) (Item 7.3)

Staff were directed to request a definition of “economic opportunities” from the Provincial Government for Rural Areas, specifically in Section 1.1.4.8.

For disposition on this Item, refer to item 11.

(h) DISCUSSION ITEMS (Item 8)

(i) City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide) (Item 8.2)

Sally Yong-Lee, Acting Manager, Infrastructure Planning, and Tony Sergi, Senior Director of Growth Management, provided an overview of the revised policy and answered questions from Committee members.

Matt Johnson was permitted to speak to Report PED12234, City of Hamilton Revised Sidewalk Policy for New Development.

Speakers:

1. Anthony Chiarella

Mr. Chiarella, Hamilton-Halton Home Builders Association, expressed concerns with the sidewalks with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

Mr. Chiarella also asked that this item be deferred.

2. Matt Johnston

Mr. Johnston, IBI Group, expressed concerns with sidewalks on both sides of the road.

The public presentations respecting Report PED12234, City of Hamilton Revised Sidewalk Policy for New Development, was received.

Report PED12234, City of Hamilton Revised Sidewalk Policy for New Development, was referred back to staff and that the revised sidewalk policy be reviewed and reported back as part of the report on the Comprehensive review of engineering guidelines for development.

(ii) Committee of Adjustment Consent Application GL/B-11:102 for Lands Located at 6355 White Church Road (Glanbrook) (PED12238) (Ward 11) (Item 8.3)

The recommendations were deleted and replaced with the following recommendations, to read as follows:

- (a) That staff be directed to reimburse the applicant for all associated surveying costs related to Application GL/B-11:102, for the property known municipally as 6355 White Church Road (Glanbrook), as it relates only to the change in lot configuration;
- (b) That the funding be provided from Dept. ID 812025, Account 44785, in the amount of \$1,808.00 and that payment is being made "without prejudice".

For disposition on this Item, refer to item 12.

(iii) Keeping of Chickens in Urban Areas (PED12247/BOH12039) (City Wide) (Item 8.4)

The main motion CARRIED on the following vote:

Yeas: L. Ferguson, C. Collins, R. Pasuta, J. Partridge, M. Pearson,
T. Whitehead
Total: 6
Nays: J. Farr
Total: 1

Absent: B. Clark, B. Johnson

Total: 2

For disposition on this Item, refer to item 13.

(iv) Hamilton Municipal Heritage Committee Report 12-005 (Item 8.6)

The Hamilton Municipal Heritage Committee Report 12-005, was tabled in order to have staff report back to the Planning Committee with further details.

(v) Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton) (PED12118) (Ward 4) (tabled on July 10, 2012) (Item 8.8)

Report PED12118, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton), was amended as follows:

- (a) That a revised draft by-law be attached and replace Appendix B to Report PED12118, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton), and that the revised by-law reflects the discussions between staff, the ward Councillor, the applicant and public stakeholders and implements a satisfactory form of buffering between the subject lands and adjacent residential uses;
- (b) That recommendation (i) to Report PED12118, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton), be amended by adding the words “revised” before the words “draft By-law”;
- (c) That the applicant also agrees that no torch cutting will occur until such time that all required Certificates of Approval from the Ministry of Environment have been obtained.

For disposition on this Item, refer to item 13.

(i) NOTICES OF MOTION (Item 10)

Councillor Collins introduced the following Notice of Motion:

(i) Pier 8 Master Plan (Item 10.1)

- (a) That upon receipt of the Setting Sail OMB order for Pier 8 and the completion of servicing studies, Master Plan Options be developed for the pier;
- (b) That the scope of work include new street/access configurations, land tenure/subdivision of lands, urban design guidelines/features; all to best accommodate the approved land use scheme;
- (c) That part of the Master Planning exercise include a public Design Charrette to solicit public input.

(j) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

- (aa) Item B: Woodland Manor (PED08306)
Current Due Date: December 4, 2012
New Due Date: June 18, 2013
- (bb) Item E: Protection Measures for Existing Stable Residential Areas (Monster Homes) (PED11196)
Current Due Date: December 4, 2012
New Due Date: September 17, 2013
- (cc) Item I: Racing Pigeons
Current Due Date: December 4, 2012
New Due Date: February 19, 2012
- (dd) Item K: By-law 05-200, to Modify General Commercial "C3-116" and "C3-117" Zone and add Site Specific General Commercial "C3-275" Zone to the Glanbrook Zoning By-law No. 464
Current Due Date: December 4, 2012
New Due Date: April 30, 2013
- (ee) Item L: Municipal Services and Property Taxation on Condo Properties
Current Due Date: December 4, 2012
New Due Date: April 2, 2013

The following items were removed from the Outstanding Business List:

- (a) Item S: Pan Am Stadium
- (b) Item C: Sidewalk Policy
- (c) Item F: Presentation from Tesfaye Gebrezghi, P. Eng., from the Ministry of the Environment respecting the Certificate of Approvals Process
- (d) Item J: Urban Chickens

(ii) News from the General Manager (Item 11.2)

The General Manager provided updates of current events and initiatives within the department.

Mr. McCabe also thanked Councillor Clark for a job well done as Chair of the Planning Committee for 2012.

(k) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 6:26 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk

City of Hamilton Comments on Draft Provincial Policy Statement

PART 1 - Preamble

No comments.

PART II - Legislative Authority

No comments.

PART III - How to Read the Provincial Policy Statement

The enhancement of this section provides much needed clarity, as it relates to the interpretation of the policies within the PPS. Significant attention has been paid to describing how the policies are to be interpreted, the geographic scale of the policies, and that the policies represent minimum standards. Great detail has been provided with respect to the policy language and the intent of specific terminology. The Province is to be commended for enhancing this important and often overlooked part of the Provincial Policy Statement.

Part III would be improved by adding “cultural factors” to the first sentence: “The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic, social, and cultural factors in land use planning”. By adding “cultural factors”, the province would acknowledge the four pillars of sustainable development. The fourth pillar (culture) would need to be referenced in other sections of the Report as well. The change would also support that culture contributes to overall well-being, as reflected in the Canadian Index of Wellbeing (CIW).

If the intent is to provide a clear description of how the policies are to be interpreted, the section entitled “Consider Specific Policy Language” could be simplified by stating there is some flexibility in the interpretation and application of some policies, but those policies with limitations/directives do not have flexibility with respect to implementation.

In the policies, there appears to be an implied importance in the policies based on what Sub-sections get **bolded** titles or preambles. If this is not the case, then consistency is required in formatting. How are preambles to be regarded? Preambles provide important context and meaning for the policies and, in some cases, contain policy-type language. Therefore, wording in a preamble holds the same weight as a numbered policy. Part II should clarify how preamble text is to be used and considered.

PART IV - Vision for Ontario’s Land Use Planning System

The concepts of complete and healthy communities should be part of the vision to set the context for the policies.

The concept of complete and healthy communities ought to include cultural vibrancy (acknowledging that culture is the fourth pillar of sustainable development). Specifically:

- Add “and a vibrant culture” to the end of the first sentence.
- Add “culturally” to the last sentence in Paragraph four to read: “Strong, livable, and healthy communities promote and enhance human health, social, and cultural well-being, and are economically and environmentally sound, and are resilient to climate change”.
- Add “cultural” to the second sentence in Paragraph eight to read: “Long-term prosperity, human, and environmental health and social and cultural well-being should take precedence over short-term considerations.

PART V - Policies

1.0 BUILDING STRONG, HEALTHY COMMUNITIES	
Draft Policy Number	Comment
GENERAL	<p>There are many new policies, revisions, and clarifications in this section. Many help to clarify direction; others need additional work to clarify or explain the outcome to be achieved.</p> <p>The PPS is going in the right direction in attempting to address sustainability and climate change issues, as they can be impacted by the land use planning system. Some additional clarification on the new terms is needed to ensure appropriate interpretation.</p> <p>Culture and “cultural factors” need to be reflected when overall sustainability is referenced in order to acknowledge that there are four pillars of sustainable development (economic prosperity, social development, environmental balance, and cultural vibrancy).</p>

<p>1.1</p>	<p>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p> <p>The term “resilient” is used throughout the draft PPS - additional explanation/context needs to be included to put meaning to the term and allow appropriate interpretation.</p>
<p>1.1.1 h)</p>	<p>What does “resilience to climate change” mean?</p> <p>Suggest adding a point to reflect planning for food systems - land use patterns that promote retention of agricultural lands and access to local food production sources.</p>
<p>1.1.2</p>	<p>New language that recognition of the longer planning horizon for planning of infrastructure and public service facilities will be helpful.</p>
<p>1.1.3</p>	<p>Settlement Areas</p> <p>It is hard to distinguish between policies (whole PPS) that apply to urban and rural Settlement Areas (RSAs), and it is important that there be clear distinctions between them. Moving RSAs from the definition to the beginning of the preamble makes the issue more obvious. The problem is not just that certain policies should not apply to RSAs, but that they promote the opposite of what is appropriate for RSAs: intensification, compact form, densities, and requirements for authorities to set intensification targets. Given the reliance on septic systems and groundwater, be it municipal or private, to meet sourcewater protection and <u>Clean Water Act</u> requirements, planning for RSAs means large lots, less dense development. A separate section for RSAs is preferred.</p>
<p>1.1.3.2 a)</p>	<p>Staff supports the additions of language on active transportation, transit-supportive, and efficient movements of goods (4, 5 and 6).</p>
<p>1.1.3.2 b) and 1.1.3.3</p>	<p>Sub-section b) links to 1.1.3.3, which is awkward. Staff suggests that b) is not necessary, as all the points under a) and Policy 1.1.3.3 adequately express the need to identify and promote intensification and redevelopment and plan for a range of uses. Sub-section b) can be removed.</p>

	<p>Policy 1.1.3.3 requires municipalities to promote intensification. Balancing language needs to be added, either as part of this policy or in a new policy. Language, clearly stating that intensification is not appropriate in all contexts or circumstances and shouldn't be contemplated at any place or at any time, would be helpful for municipalities in both local policy development and in reviewing applications for intensified development.</p>
1.1.3.8 d)	<p>This new provision is too inflexible, potentially limiting expansion on land planned to accommodate growth targets throughout the process of growth management. With the long time horizons involved in Settlement Area expansion, MDS requirements are likely to change throughout the planning process.</p>
1.1.4	<p>Rural Areas in Municipalities</p> <p>Preamble, second paragraph.</p> <p>It is not clear if the term "Settlement Areas" means urban, rural, or both and, consequently, if 1.1.4 applies within rural Settlement Areas. It is not italicized, so it is unclear if it means something different than the definition of "Settlement Areas".</p>
1.1.4.4	<p>The rural functions also require protection from incompatible uses. Recommend adding reference to functions of the rural area in the policy as follows: "Development that is compatible with the functions of the rural area and the rural landscape"</p>
1.1.4.6	<p>It is not clear what the term "resource areas" includes, so a definition is needed.</p>
1.2	Coordination
1.2.1	<p>The additions of economic development strategies, multi-modal transportation systems, and a regional housing strategy as matters to be coordinated are supported. There are funding implications associated with coordination, and municipalities would benefit from further provincial direction and participation in the development of these strategies.</p> <p>Regional coordination is also required for addressing air quality and climate change. These items should be added to the policy.</p>
1.2.2	<p>The term "encouraged to coordinate" needs to be clarified. "Coordinate" is a different process than "consult". Some explanation and further direction is warranted, particularly in the complexities of aboriginal consultation.</p>

1.2.3	<p>Clarification on the concept of “resilient communities” would be beneficial.</p> <p>Add “cultural” to read: “...economic, environmental, cultural, and social planning considerations...”</p>
1.2.6	<p>Land Use Compatibility</p> <p>This policy is new in the PPS. Compatibility is a basic principle of land use planning, but the policy could benefit from a preamble providing context and explaining why land use compatibility is important and how it contributes to strong, healthy communities. The policy intent is not clear. Is this policy focusing on large facilities, adverse impacts, or true compatibility? If the policy is intending to prevent adverse impacts from odour, noise, and other contaminants, all facilities that have similar impacts should be addressed, not just the defined larger facilities. If the policy is to focus on compatibility in general, this policy does not address the objective.</p> <p>Land use compatibility is a critical element of policy, particularly in areas covered by the growth plan where intensification policies are a critical element of local growth directions. Policy on compatibility could be greatly expanded.</p>
1.3	<p>Employment</p> <p>The clarification and differentiation between “employment” and “employment areas” is helpful.</p>
1.3.2.3	<p>The definition of “major goods movement facilities and corridors” should not contain language about approaches for protection. Those statements belong as policies under 1.3.2.</p>
1.3.2.4	<p>We support this new policy allowing long term protection of employment areas.</p>
1.4	<p>Housing</p> <p>There is only one change to these policies to address active transportation. This change is supported; however, the Province is missing the opportunity to strengthen a foundational component of building strong healthy communities. While land use planning cannot guarantee affordability, nor can it guarantee housing tenure, it can provide opportunities of intrinsic affordability through densities, mix and range of housing types, development standards, and other articulate policy objective.</p>

1.4.1 and 1.4.3	<p>These policies should refer to “full range” rather than “appropriate range” of housing types, and should be revised to refer to “all” current and future residents.</p> <p>The promotion of energy efficiency and new ‘green’ housing forms is another policy direction that could be added to this section.</p>
1.4.3 a)	<p>Amend this policy to read “establishing and implementing minimum targets based on identified need for the provision of housing, which is affordable to low and moderate income households...”</p>
1.4.3. b) 1.	<p>Amend this policy to read:</p> <p>1. All forms of housing, including special needs housing, required to meet the social, cultural, health, and well-being requirements of all current and future residents; and”</p> <p>The existing PPS definition describes housing, not people. This policy change is more consistent with the definition. Urban Hamilton Official Plan uses the term “housing with supports”, which is a more accepted and up-to date term in social service community.</p>
1.4.3.e)	<p>Amend this policy to read “establishing development standards...which minimize the cost of housing to facilitate achievement of the targets established as per 1.3.4.a), and facilitate compact form while maintaining...”</p>
1.5	<p>Public Spaces, Recreation, Parks Trails, and Open Space</p> <p>In 1.5.1, suggest adding points on complete streets, as well as shade provision in parks and public spaces. These measures are the means of achieving promoting healthy and active communities.</p> <p>Add “culturally vibrant” to (a).</p>
1.6	<p>Infrastructure and Public Service Facilities</p> <p>Generally, staff is concerned that the PPS does not address the operation and maintenance costs associated with infrastructure.</p>
1.6.1	<p>By adding the phrase “that considers the impacts from climate change”, implies that those impacts are known and can be factored in to an analysis. This is not always the case.</p>

	<p>The second statement under this policy should be given its own number. The first two words (“planning for”) could be struck out to simplify. As an alternative way to clarify the intent, the entire paragraph could be reworded as follows:</p> <p>“Infrastructure and public service facilities shall be coordinated and integrated with land use planning to meet current and projected needs, while considering financial viability over their life cycle.”</p>
1.6.2	Adaptive reuse should be defined.
1.6.5	<p>Sewage, Water, and Stormwater</p> <p>The draft PPS adds helpful clarifications, specificity, and refinements to the sewage and water policies as they apply to the rural area. Changes follow provincial legislative changes (i.e., <u>Clean Water Act</u>, sourcewater planning), as well as City policy.</p> <p>Revisions to the servicing policies for the rural area are helpful, particularly the “no negative impacts” test in 1.6.5.4 and 1.6.5.5</p> <p>The new stormwater policies in 1.6.5.7 are appropriate and helpful.</p>
1.6.5.1 a)	What does “optimizing” mean? Please define.
1.6.6	<p>Transportation Systems</p> <p>Staff supports the inclusion of active transportation throughout the PPS. However, there are implications for municipalities in the implementation of active transportation, if this is not contemplated through other relevant legislation, including the <u>Highway Traffic Act</u>. Hamilton has made active transportation a priority in the City-Wide Transportation Master Plan, and the direction through the PPS provides additional strength to the City’s efforts to introduce enhanced active transportation measures through the municipality. This section should include a greater emphasis on public transit and public mobility over single occupancy vehicles.</p>
1.6.6.2	<p>This policy is the only place where transportation demand management (TDM) is mentioned. Consider removing “where feasible” in this policy. TDM elements and actions are so broad that there will always be an ability to apply some type of TDM element to projects. Please consider a stronger emphasis on TDM throughout the PPS. Additional policies in this section could be added identifying complementary actions to the land use response to transportation, such as encouraging the use of</p>

	community based social marketing programs to promote active transportation.
1.6.7	<p>Transportation and Infrastructure Corridors</p> <p>Complete streets language is not well articulated in this draft, yet it is an important philosophy that the Province is promoting through its work on transportation planning and in the Transit Supportive Guideline. It is an important mechanism for implementing active transportation measures, both at a local level as well as through coordination with other municipalities, and should be addressed in the PPS. A suggestion would be to add another policy to this section as follows:</p> <p>1.6.7.7 - Adopt a complete streets design philosophy when developing and redeveloping transportation corridors.</p>
1.6.7.2	Are “planned corridors” a subset of “major goods movement facilities and corridors”? How are they connected? Should the definitions be coordinated? What constitutes “protected”? It is not clear at what point these corridors are protected.
1.6.7.3	Staff supports the inclusion of the new language, but recommends that second sentence be expressed as a separate policy, as it is a distinct direction from the first sentence.
1.6.8	<p>Airport, Rail, and Marine Facilities</p> <p>City staff is encouraged to see that rail and marine facilities are recognized for their economic role in goods movement.</p> <p>The definition of Rail Facilities should differentiate between heavy rail corridors and light rail corridors.</p>
1.6.9	<p>Waste Management</p> <p>Staff supports the additional language on the implications of development and land systems patterns on waste generations, management, and diversion in 1.6.9.1. The definition of “waste management systems” should be revised to include the waste collection systems, an important aspect of the system.</p> <p>Additional policies to encourage innovative municipal composting or recycling facilities and programs in new development would assist in creating sustainable communities.</p>

1.6.10	<p>Energy Supply</p> <p>Is “renewable energy”, as defined under the <i>Green Energy Act</i>? Please consider policies promoting energy demand management programs.</p>
1.7	<p>Long Term Economic Prosperity</p> <p>The additional directions are welcomed and are supported. Urban design, cultural planning, goods movement, sustaining an agricultural economy, promoting energy conservation, and achieving sustainability are part of the City of Hamilton’s strategic directions and key elements in our land use planning and economic development activities.</p> <p>Please define “investment - readiness” in 1.7.1 e).</p>
1.7.1	<p>Suggest adding additional language linking complete streets, quality built environments that produce desirable environments for business. Could be achieved by rewording points c) and d), or a new point.</p>
1.8	<p>Energy Conservation, Air Quality, and Climate Change</p> <p>Promotion of TDM measures and active transportation could be added to 1.8.1c).</p>
1.8.1 g)	<p>This section identifies that development patterns need to “increase vegetation within Settlement Areas, where feasible.”</p> <p>The policy could be reworded to say “increase vegetation and provide for shade within”.</p> <p>Also, a reference to protection of natural heritage features, as directed in Section 2.1, should be added, and “where feasible” removed. As currently drafted, 1.8.1 g) is contrary to the directives in Section 2.1, which directs that natural features “shall be protected”.</p>
<p>2.0 WISE USE AND MANAGEMENT OF RESOURCES</p>	
General and Preamble	<p>The Natural Heritage draft policies are general in nature, which provides a certain level of flexibility, which is very important since not every location where these policies are applied is the same. Policy 2.0 indicates Ontario’s long-term prosperity, environmental health, and social well-being depend on maintaining biodiversity. The definition of biodiversity is missing. To make sure that the same definition is being used to understand this concept, this</p>

	should be included within the definition section.
2.1	Natural Heritage (Also see comments on Section 2.5 Mineral Aggregate Resources).
2.1.1	Inconsistency in terms is confusing - “natural features and areas” in 2.1.1, “natural features in an area” in 2.1.2, and the defined term “natural <u>heritage</u> features and areas”. Suggest using the same term and spelling out any intended differences.
2.1.2	Additional direction on ecosystem restoration could be considered for the PPS. Restoration has been alluded to in this policy (which has not changed from 2005), but clear definition of restoration has not been provided. A stronger position and definition of restoration would strengthen the ability to maintain biodiversity and support the systems approach to development of an NHS.
2.1.3	<p>This Policy requires that municipalities identify a Natural Heritage System. The inclusion of this policy strengthens the movement of restoration and overall protection of the natural environment. The policy also provides further recognition in the movement from a features-based approach to a systems-based approach in the protection of natural heritage features and their functions. The use of landscape ecology principles provides a less piece-meal approach to land use planning. The City of Hamilton has already taken this step in its new Urban and Rural Official Plans.</p> <p>The City has some concerns about the portion of the policy which reads, “recognizing that considerations in planning for natural heritage systems in Settlement Areas, rural area, and prime agricultural areas may vary.” This statement is not clear; if a natural feature has been identified as significant and worthy of protection, it should not matter whether the feature is within a rural settlement, rural, or prime agricultural area. Staff is concerned about applying different policy interpretation to significant natural features, based on their location in the landscape. This policy should be revised to “Natural Heritage Systems” and shall be identified in Ecoregions 6E and 7E, in Settlement Areas, rural areas, and prime agricultural areas”.</p>

2.1.5 f)	This policy should be more inclusive and include unevaluated and local wetlands. Currently, the only protection afforded to these features and their functions may be in individual Official Plans. It would be prudent to include these wetlands within this policy because they may otherwise be lost, even if they provide a role in the local ecosystem.
2.1.7	This new policy recognizes that the MNR is able to update what is considered to be habitat for endangered or threatened species, and is responsible for issuing permits that would authorize the destruction of species habitat. The term “significant” is removed from the definition, and a new definition has been included, which recognizes both regulated and non-regulated habitat. This policy may be more restrictive, but it aids in attaining the goal of maintaining biodiversity. The City is supportive of this change. Implementation may be more difficult. Municipal staff will need guidance from MNR staff on how much habitat to protect for an individual species. The Province will need to ensure that those resources are available to municipalities.
2.3	Agriculture
2.3.2	What are the “guidelines developed by the Province”?
2.3.3	<p>Permitted Uses</p> <p>The changes broaden the uses permitted. Overall, these changes are positive, but the lack of clarity of some new terms and complete removal of the “small scale” condition for agriculture-related uses permits an overly broad list of uses. There is no easy answer of how to balance the sometimes conflicting goals of protection of agricultural land and promotion of all aspects of the business of agriculture.</p> <p>The changes to the uses permitted as agriculture or related to agriculture respond to common concerns that important aspects of the business of agriculture are not currently permitted. Overall these changes are positive, but some changes lead to an overly broad list of uses.</p> <p>Careful attention should be paid to definitions, as they are integral to the policy. For more staff discussion on key definitions, see definition sections (Pages 15 to17 - Appendix ‘A’) below for further discussion of the definitions of “agri-tourism uses”, “on-farm diversified uses” and “residence surplus to a farming operation”.</p>

<p>2.3.4 2.3.4.1</p>	<p>Lot Creation and Lot Adjustments</p> <p>Staff supports the addition of c) 1.</p> <p>Staff suggests adding a definition of “farm consolidation”, and suggests the wording mirror that of the Greenbelt Plan (see Section 6.0, below).</p> <p>Staff suggests an additional provision for b) and c) that severance “shall not hinder” (2.3.3.1)/negatively impact agricultural operations on vacant remnant parcel or on adjacent lands.</p>
<p>2.5</p>	<p>Mineral Aggregate Resources</p>
<p>2.5.2 2.5.2.1</p>	<p>Protection of Long-Term Resource Supply</p> <p>This policy is not new, but should be removed. While proximity to market is desirable, it should not outweigh a consideration of the impacts of the extraction operation on the surrounding population and local environment. Proximity to market results in extraction operations being proposed and located in environmentally significant and populated areas. The desire for proximity to market must be balanced against all other impacts.</p> <p>Further, it should be within an approval authority’s jurisdiction to request a supply/demand analysis when a new or expanding pit or quarry is proposed. Review of supply and demand analysis is a typical planning consideration when evaluating new or expanding land uses and, therefore, should also be applicable to the evaluation of extraction operations.</p>
<p>2.5.2.2</p>	<p>This policy should be rewritten to include economic impacts. There is a concern about cost to municipalities as a result of extraction operation in relation to impacts on roads and infrastructure along the haul route. The long term costs of perpetual pumping below the water table quarry operations during the extraction and rehabilitation period is also of concern, Agreements are required to ensure that municipalities will not be responsible for these long term costs, particularly once the extraction period is complete.</p> <p>This policy should also clarify that “Extraction” refers to both the period of extraction and rehabilitation, particularly in relation to environmental impacts. Recent quarry proposals have been based on complicated groundwater recirculation systems, which require long term pumping for the life of the quarry (including extraction and rehabilitation) and possibly, in perpetuity. Reliance is being placed on Adaptive Management Plans (AMPs)</p>

	<p>to address issues that may arise during extraction and rehabilitation. As such, it is critical to recognize that the above noted policy shall also apply to the rehabilitation stage.</p> <p>This policy should add “cultural” impacts so that all four pillars of sustainable development are represented.</p>
2.5.2.3	2.5.2.3 Defining “conservation” and replacing the word “should” with “shall” significantly changes the meaning of 2.5.2.3. See comment on definition of “conservation” in Section 6, below.
2.5.3 2.5.3.1	<p>Rehabilitation</p> <p>Staff has concerns with the use of the word “interim”. While it is agreed that the extraction process itself is “interim”, as noted above under 2.5.2.2 comments, the “interim” nature of the quarry operation is questionable. Further, the reliance on AMPs during the rehabilitation phase raises further questions, and does not provide certainty for approval authorities regarding the long term rehabilitation and of the quarry lands.</p>
2.5.3.2	<p>A policy regarding the permitting of extraction does not fit within this section on rehabilitation. A new section, “Extraction in Natural Heritage Features and Areas” to mirror Section 2.5.4., is needed.</p> <p>This policy weakens Natural Heritage Policies 2.1.5 and 2.1.8, which prohibit development and site alteration within and adjacent to specified features unless it has been determined that there will be no negative impact. Hamilton does not support a policy that would enable extraction to meet the “no negative impacts” test by commitment to restore natural heritage features at the time of rehabilitation, thereby allowing the features to be removed for the life of the operation.</p> <p>Staff is concerned that crucial functions of our natural heritage system (groundwater recharge one of many) could be lost for a substantial period of time, causing significant negative impacts for the life of the operation. Of particular concern, is extraction where progressive rehabilitation is not feasible, such as quarries below the water table, and negative impacts off-site that cannot be rehabilitated by actions on-site.</p>

2.5.3.3	<p>The concept of comprehensive rehabilitation is supported. However, the feasibility of achieving a comprehensive approach is questionable. There is currently a lack of understanding of the long term impacts which may arise from recent quarry proposals. Long term issues are described in comments on Policies 2.5.2.2 and 2.5.3.1. Without a clear understanding of the impacts of a single quarry operation, it would be difficult to fully achieve a comprehensive approach.</p>
2.5.4 title	<p>Extraction in Prime Agricultural Areas</p> <p>The title should be changed by adding “and Specialty Crop Areas”, as the policies address both.</p>
2.5.4.1	<p>There is no effective change for Hamilton, since changes mirror Greenbelt Plan policies, but the draft mineral aggregate policies for prime agricultural and specialty crop areas need to be clarified. The provision of separate direction for specialty crop areas, previously subsumed under prime agriculture, and the addition of specialty crop specific criteria from the Greenbelt Plan, are supported.</p> <p>Structure of these policies creates confusion. A separate policy for “specialty crop areas”, and a sequential provision structure like Greenbelt Plan 4.3.2.8 c), will provide clarity.</p> <p>The definition of “high quality” is vague with respect to bedrock. There is a need to clarify the difference between “high quality mineral aggregate resources”, “deposits of mineral aggregate resources”, and the Greenbelt term “substantial aggregate deposit warranting extraction”. “High Quality” is only used in this policy, and doesn’t add any specificity to this policy with respect to bedrock.</p>
2.6	<p>Cultural Heritage and Archaeology</p> <p>The policy purview needs to be expanded. The policy needs to be expanded beyond conservation efforts and reflect broader cultural heritage stewardship which encompasses tangible and intangible (values, beliefs, knowledge, and traditions).</p>
2.6.1	<p>PPS requires municipalities to “conserve” significant resources. “Significant” is a broad definition that would cover properties worthy of designation, as well as listed properties.</p>

	<p>Definition of “conserved” was changed to specify protection and retention under the <u>Ontario Heritage Act</u>. The City currently uses heritage impact assessments for properties not designated under the OHA, but listed locally. Therefore, this policy now limits our ability to protect resources that are not formally designated under OHA, either through a heritage impact statement or other tools contemplated under our Official Plans.</p> <p>By tying conservation to OHA designation in the definition, the PPS now weakens the City’s ability to protect its cultural heritage. A careful review and revisions to this section to ensure that policy and definitions are clear is needed.</p>
2.6.4	<p>How does one “consider and promote” archaeological management plans and cultural plans? Does it mean consider the ‘use of’ these items as a means of conserving cultural heritage resources? Please clarify. Are these tools only to be used for properties protected under OHA, or can they be used for listed properties through the development approvals process?</p>
2.6.5	<p>What does “consider the interests” mean? How is it to be done?</p>
3.0 PROTECTING PUBLIC HEALTH AND SAFETY	
General	<p>The preamble of this section identifies the need to protect from “natural and human-made hazards”. Human-made hazards are not defined, but indicated through Policy 3.2.1. This section could be revised to recognize the inter-relationship between public health and the built environment, referring to other policies, where appropriate.</p>
4.0 IMPLEMENTATION AND INTERPRETATION	
General	<p>The additional language and policies in this section are helpful. This section should also recognize that in addition to Official Plan and Zoning By-laws, other programs, policies, and actions at both Local, Regional, and Provincial governments and agencies are required in order to fully achieve the directions envisioned in the PPS.</p>
6.0 DEFINITIONS	
General	<p>The terms climate change, air quality, and climate change impacts are used throughout the draft PPS. This is new policy language and required clarity in terms.</p>

Active transportation	Would this definition include E-bikes?
Agricultural uses	What does “value-retaining facilities” mean?
Agriculture-related uses	<p>Removal of “small scale” opens the door for uses that are overly large. Is there a way to permit uses bigger than small scale, but not leave the scale totally open-ended?</p> <p>Staff supports the addition of agriculture supportive functions.</p> <p>Does “the farm operation” mean an individual farm operation? If so, reword appropriately for clarity.</p> <p>What does “as an exclusive activity” mean? Does it mean that the entire agricultural related use has to directly serve agriculture? If so, this is difficult to implement, and staff suggests replacing “exclusive activity” with “primary activity”.</p>
Agri-tourism uses	<p>Staff supports a new definition as long as agri-tourism uses remain permitted only as on-farm diversified uses (small-scale and secondary). Otherwise, the proposed definition is too broad in scope and scale, and could be interpreted to include almost anything. Also, staff would question whether accommodation should be part of the definition. B&Bs can be permitted on farms under other provisions, and don’t have to be related to a farming operation.</p> <p>An alternative description of agri-tourism is found from the OMAFRA website, and is described as follows:</p> <p>“Agri-tourism supports a growing desire by consumers to head outdoors and to the country for more leisure opportunities. The University of California's Small Farm Center defines Agricultural Tourism as "the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or personal involvement in the activities of the farm or operation." Agri-tourism is a subset of a larger recreational industry called rural tourism that includes visits to rural settings or rural environments to participate in or experience activities, events, or attractions not readily available in urbanized areas.”</p> <p>Staff suggests a more appropriate definition can be derived from some of the concepts identified in this material.</p>

<p>Conservation (aggregate context)</p>	<p>Staff supports the addition of “a) promoting recycling of aggregates”, however, with regard to “b) ...extraction of on-site mineral aggregate resources prior to development occurring” indicates that extraction is part of conservation, when the intent is using other sources of aggregate that become available through other activities, not related to an aggregate operation.</p>
<p>Conserved (cultural heritage context)</p>	<p>Definition contains policy direction on ways to conserve cultural heritage resources. This language should be moved into the policies. However, as drafted, the list of suggested tools conflicts with the policy direction in 2.6.1.</p>
<p>Cultural heritage landscape</p>	<p>The definition of cultural heritage needs to be expanded. The current definition is too narrow in that it is conservation focused (and takes a limited view of conservation). The definition needs to reflect cultural heritage stewardship which encompasses tangible and intangible (values, beliefs, knowledge, and traditions). The definition should align to the federal and provincial definitions of cultural assets.</p>
<p>Farm consolidation (new)</p>	<p>Staff recommends including a definition of “farm consolidation” for consistency with Greenbelt Plan as follows: “the acquisition of additional farm parcels to be operated as one farm operation.”</p>
<p>Green infrastructure</p>	<p>Green infrastructure is part of the lexicon of planning. The new definition indicates that natural heritage features and systems, parklands, stormwater management systems, urban forests, permeable surfaces and green roofs can be components of green infrastructure. Staff has concerns with this definition, since the inclusion of all natural heritage features and systems may not be appropriate in the development of green infrastructure.</p>
<p>Heritage attributes</p>	<p>The definition of heritage needs to be expanded. The current definition is too narrow in that it is conservation focused (and takes a limited view of conservation). The definition needs to reflect heritage stewardship which encompasses tangible and intangible (values, beliefs, knowledge, and traditions). The definition should align to the federal and provincial definitions of cultural assets.</p>
<p>Major goods movement facilities and corridors</p>	<p>The sentence that begins with “Approaches” is unclear. Is it referring back to Policy 1.3.2.3 as approaches for protection? If so, that language belongs in a policy under 1.3.2.3.</p>

Natural heritage features and areas	Add “cultural” to the last sentence “...which are important for their environmental, cultural, and social values...”.
Recreation	Add “culture” to the definition of recreation to read: “...personal enjoyment, cultural experience, positive social interaction...”.
Regional market area	Add “cultural” to the definition to read: “Refers to an area that has a high degree of social, cultural, and economic interaction...”.
Significant woodlands	Change in definition specifies that MNR criteria are to be used to identify significant woodlands. This language should be removed from the definition and placed in policy. This definition is problematic to the City of Hamilton, as the City’s significant woodlands are based on local criteria. Re-evaluating those woodlands under MNR criteria only may result in the loss of protection of local woodlands, thus compromising the entire NHS system, as described and specified in the new City of Hamilton Urban Official Plan (under appeal) and City of Hamilton Rural Official Plan (in effect).
Special needs	This definition should be changed to “Special needs housing”.
Residence surplus to a farming operation	Staff supports the addition of the word “ <i>habitable</i> ” to the definition.
Resource Areas (new)	Staff recommends defining this term as used in the context of Policy 1.1.4.6.