



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

| | |
|--|---|
| TO: Chair and Members Planning Committee | WARD(S) AFFECTED: WARD 12 |
| COMMITTEE DATE: February 15, 2011 | |
| SUBJECT/REPORT NO: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) | |
| SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department | PREPARED BY: Kate Mihaljevic (905) 546-2424, Ext. 4424 |
| SIGNATURE: | |

RECOMMENDATION:

That **Zoning Application ZAR-10-034, Leanne Dekaneas, Owner**, for a modification to the Agriculture “A” Zone for a temporary change in zoning for a period of three years, to permit the continued operation of the existing Golf Driving Range and to permit a new air-structure to facilitate the year-round operation of the existing Golf Driving Range and a proposed in-door soccer centre, on lands known as 1541 Fiddlers Green Road, in the former Town of Ancaster, as shown on Appendix “A” to Report PED11010, be **Denied** on the following basis:

- (a) That the proposal does not conform to the Places to Grow Plan, and is not consistent with the Provincial Policy Statement.
- (b) That the proposal does not conform to the “Rural” Land Use policies of the Region of Hamilton-Wentworth Official Plan.
- (c) That the proposal does not conform to the “Agricultural” policies of the Town of Ancaster Official Plan.

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 2 of 12

EXECUTIVE SUMMARY

The purpose of this application is to allow for the continued operation of the existing Golf Driving Range and permit the installation of a new air-structure (dome), which will contain the Driving Range and a proposed in-door soccer field to facilitate year-round operations on the subject lands on a three (3) year temporary basis. The passage of By-laws for a prescribed period of time is permitted by the Town of Ancaster Official Plan. The proposed air-structure to facilitate permanent commercial recreational uses on the subject lands is not consistent with the Provincial Policy Statement and does not conform with the Places to Grow Plan, the Hamilton-Wentworth Regional Official Plan, and the Town of Ancaster Official Plan. As such, staff does not support the application, as submitted. However, consideration could be given to the approval of a Temporary Use By-law only for the existing Golf Driving Range.

Alternatives for Consideration - See Page 12.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning.

HISTORICAL BACKGROUND

A rezoning application has been submitted for the purpose of granting a Temporary Use By-law to allow the continued use of the subject lands as a Golf Driving Range for a maximum of three years, and to expand the range of permitted uses to include an inflatable dome to allow for year round golf and soccer related activities. Three previous Temporary Use By-laws for the Golf Driving Range were approved by past Committees and Councils. The By-laws expired June 27, 1997, September 15, 2000, and June 26, 2004, respectively. The previous temporary zoning permitted the use of a Golf Driving Range, to which the regulations of Section 31: Private Open Space "O1" of Ancaster Zoning By-law 87-57 were applied. However, the subject lands were exempt from the requirement of the parking area being constructed of a stable surface of concrete or asphalt.

Following the owner's submission of this application, he retained the services of a Planning Consultant. A Planning Justification Report, dated January 18, 2011, was submitted in support of the application. Draft of the "Summary" is attached as Appendix "D"

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 3 of 12

As the previous Temporary Use By-law expired in June, 2004, a new Temporary Use By-law is required for the continued operation of the existing Golf Driving Range, and to add an air-structure to accommodate the year-round operation of the Golf Driving Range and an in-door soccer facility.

Details of Submitted Application:

Location: 1541 Fiddlers Green Road (Ancaster)

Owner/Applicant: Leanne Dekaneas

Agent: Fothergill Planning & Development Inc.

Property Description: Frontage: 213 metres
Depth: 305 metres
Area: 6.5 hectares

EXISTING LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|----------------------------------|--|-------------------------------|
| <u>Subject Lands:</u> | Agriculture and Golf Driving Range | Agriculture "A" Zone |
| <u>Surrounding Lands:</u> | | |
| West | Agriculture | Agriculture "A" Zone |
| North | Agriculture and Single-Detached Dwelling | Agriculture "A" Zone |
| East | Agriculture and Single-Detached Dwelling | Agriculture "A" Zone |
| South | Agriculture and Single-Detached Dwelling | Agriculture "A" Zone |

POLICY IMPLICATIONS

Provincial Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff notes that the subject lands are located within a designated Prime Agricultural area, as defined by Places to Grow, and that the subject lands are not in the Greenbelt Plan. Policy 4.2.2.1 indicates that provincial ministries, in consultation with municipalities and other stakeholders, will develop additional policies for the protection of Prime Agricultural areas. As explained below, the Town of Ancaster Official Plan does not support the proposed uses in an air-structure on a year round basis. Additionally, the New Rural Hamilton Official Plan will designate a portion of the subject lands as Open Space, which will only permit a Golf Driving Range or other active recreational use. An air-structure for the purposes of indoor soccer and golf uses is considered commercial recreational, which is not contemplated to be established in the Rural Area. Therefore, the proposal for an air-structure does not conform to the policies of the Growth Plan.

Further, Section 1.4 advises that the policies of the Growth Plan are to be read in conjunction with the Provincial Policy Statement (PPS). The PPS provides further policies relating to permitted uses in Prime Agricultural Areas, as discussed below.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Policy 2.3.3.1 states that the permitted uses in the Prime Agricultural Area are agricultural uses, secondary uses, and agriculture-related uses. Furthermore, secondary uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

For the purposes of permitting the temporary operation of a seasonal recreational use, a Golf Driving Range on a portion of the subject lands can be considered secondary and compatible with the existing and surrounding agricultural uses. However, construction of an air-structure, which will permit year-round operation of the existing recreational use and provide for other recreational opportunities, cannot be viewed as secondary or compatible with existing agricultural operations. Therefore, only the proposal for a Temporary Use By-law to permit the continued operation of the existing Golf Driving Range is consistent with the Provincial Policy Statement. Establishing a year round commercial recreational operation on Prime Agricultural lands is not consistent with the Provincial Policy Statement.

Hamilton-Wentworth Regional Official Plan

The subject lands are designated as “Rural Area” on Map No. 1 and “Prime Agricultural Area” on Map No. 2 within the Hamilton-Wentworth Regional Official Plan (HWOP). The subject lands are proposed to be removed from Special Policy Area No. 9 upon finalization of OPA No. 41 (Airport Employment Growth District), which was adopted by Council on October 13, 2010, but is not final and binding. Policy C-2.1.1.2 of the HWOP directs non-farm development to Urban Areas, Rural Settlement Areas, and existing Business Parks.

Policy C-3.2 states that the Rural Area contains a mix of sub-designations (Prime Agricultural Lands, Rural Settlements, Environmentally Significant Areas, and Mineral Aggregate Areas), as well as a variety of existing land uses and activities including residential, commercial, rural industrial, and the primary activity of farming. Further, Policy C-3.2.2 explains that although Agriculture will continue to be the predominant use in the Rural Area, there are limited uses which may be considered that would not interfere with farming or agricultural lands. These uses can be considered where they require land extensive holdings and are not suited for locations in the Urban Areas. An enclosed commercial recreational structure, temporary or otherwise, is more commonly found and can be accommodated in the Urban Area or within a Rural Settlement Area.

The proposed air-structure will permit commercial recreational uses on the subject lands on a year round basis. Further, establishing foundations for the air structure implies that the structure would also be in place beyond the 3-year limit of the By-law. As such, the proposal does not conform to the Regional Official Plan. However, through the criteria established in the Town of Ancaster Official Plans for approving Temporary Use By-laws, permitting a Golf Driving Range as a temporary use can be an alternative for consideration.

Additionally, it is important to note that the subject lands are located within the Influence Area of the John C. Munro International Airport, as noted on Map No. 7 of the Regional Official Plan and identified as Special Policy Area (SPA) No. 9. The policies of Section C-3.1.4 apply to the development of lands within the vicinity of the Airport. More specifically, these policies outline criteria for permitting sensitive land uses within the Influence Area. Commercial or passive recreational uses are not considered to be sensitive lands uses and, therefore, would not be subject to these criteria.

Based on the aforementioned policies, only the proposal for a Temporary-Use By-law for a Golf Driving Range conforms to the Regional Official Plan.

Town of Ancaster Official Plan

The subject lands are designated “Agricultural” on the Schedule “A” Land Use-Rural Area of the Town of Ancaster Official Plan. The intent of the “Agricultural” Policies in the Official Plan is to protect lands for agricultural uses only. However, in accordance with Policy 4.1.3(vii), low intensity, passive Recreational uses are permitted where the use is compatible with agriculture operations and only requires small scale ancillary buildings. Policy 4.6.1 further directs non-agricultural uses to be provided where they serve the needs of the rural community; where it is appropriate to be located in the Rural Area and not in an urban or rural settlement area; where the land is physically suitable for the use; it is compatible with the surrounding area; and services and the environment are not negatively impacted. Furthermore, in accordance with Policy 7.14.1, Council may adopt a Temporary Use By-law without an amendment to the Official Plan provided the proposal is consistent with the following criteria:

- “(i) Alterations to the topography and/or soils shall be limited so that it is possible and viable to revert back to the previous use and/or use(s) for which the property is designated and zoned;*
- “(ii) Residential usage shall be prohibited unless already in existence and/or permitted by this Plan and by the Zoning By-law provisions applicable to the subject lands;*
- “(iii) Capital investment toward the construction of new buildings and structures which are not easily removable shall be limited so as not to discourage a reversion to the previous use and/or conversion to uses for which the property is designated and zoned;*
- “(iv) The proposed temporary use shall be compatible with uses on adjacent and nearby properties;*
- “(v) The proposed temporary use does not constitute a danger to surrounding uses and persons by virtue of its hazardous nature, and does not pollute air and water to the extent of interfering with the ordinary enjoyment of the property;*
- “(vi) The proposed temporary use shall comply with the Minimum Distance Separation requirements of the Agricultural Code of Practice;*
- “(vii) The proposed temporary use shall conform to the policies and development criteria of the Niagara Escarpment Plan, if within the area of the Niagara Escarpment Plan; and,*

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 7 of 12

(viii) *Services such as roads, stormwater drainage, water supply, and sanitary sewage systems shall be sufficient to accommodate the proposed temporary use. “*

The proposed air-structure to contain an Indoor Soccer Centre and Golf Driving Range measures approximately 91 metres by 61 metres, and will require a solid concrete foundation and site alterations to ensure the structure is surrounded by hard surface material. As such, the proposal does not meet the intent of the temporary use criteria, whereby the lands can be easily reverted back to its original condition and would be compatible with adjacent uses.

Further, it is important to note that the subject lands are located in the Specific Policy Area (SPA) Nos. 57 and 57a, which refers to Section C-3.1.4 ‘Airport Business Park’, and Section C-4.3.5 ‘Transportation Systems - Air’ of the Regional Official Plan as follows:

“5.12 In addition to the existing applicable policies in this Plan, this Section sets out additional policies for the lands identified on Schedule “F-1” as Specific Policy Areas 57 and 57a.

5.12.1 The area identified as Specific Policy Area 57 on Schedule “F-1” shall be subject to Policies C.4.3.5.3 and C.4.3.5.4 of the Regional Official Plan.

5.12.2 The area identified as Specific Policy Area 57a on Schedule “F-1” shall be subject to Policies C.3.1.4.6, C.3.1.4.7, C.3.1.4.8, C.3.1.4.9, C.3.1.4.10, and C.3.1.4.11 of the Regional Official Plan.”

The City’s Industrial Parks and Airport Development Division has undertaken a secondary planning process for SPA Nos. 57 and 57a. The Secondary Plan and associated Official Plan Amendment for the Airport Employment Growth District (AEGD) were approved by Council on October 13, 2010 (not yet in effect), which removed SPA No. 57a. The subject lands will remain within the Airport Influence Area, outside of the AEGD Secondary Plan area, as it relates to the Regional Official Plan. More specifically, the policies referenced above outline criteria for permitting sensitive land uses within the Influence Area. Commercial or passive recreational uses are not considered to be sensitive lands uses and, therefore, would not be subject to these criteria.

Establishing a year-round commercial recreational use in the Rural Area is not contemplated by the “Agricultural” designation of the Town of Ancaster Official Plan therefore, the proposal does not conform with the Plan. However, the existing Golf Driving Range would be consistent with the above noted Temporary Use By-law criteria and, therefore, could be supported.

New Rural Hamilton Official Plan (Council Adopted)

The New Rural Hamilton Official Plan was adopted by Council on September 27, 2006. The Plan has been approved by the Ministry of Municipal Affairs and Housing, but is currently under appeal and not yet in effect. The subject lands are designated as “Agriculture” and “Open Space” within the Rural Hamilton Official Plan. The lands are also within Special Policy Area C - Airport Employment Growth District (AEGD), as noted on Volume 3, Map A, and within the Airport Influence Area, as noted on Volume 1, Schedule F. The City’s Industrial Parks and Airport Development Division has undertaken a secondary planning process for the AEGD, for which a Secondary Plan was adopted by Council on October 13, 2010, but is not yet in effect. An Official Plan Amendment will be required for the New Rural Official Plan to include the new Secondary Plan. However, as the New Rural Official Plan is also not in full force and effect, a pending Official Plan Amendment has been prepared to include the new Secondary Plan and will remove Special Policy Area C.

The subject lands have not been included in the new Secondary Plan, but remain in the Airport Influence Area. Policy C.4.1.2 of the ‘Transportation - Airport’ Section outlines criteria for permitting sensitive land uses within the Influence Area. Commercial or passive recreational uses are not considered to be sensitive lands uses and, therefore, would not be subject to these criteria.

Section D.2.0 provides the land use policies for Agriculture areas and Section B.3.5.1.5 provides land use policies for the Open Space areas. More specifically, Policy D.2.1 states that uses permitted in the Agriculture designation are limited to agricultural uses, agricultural-related commercial, agricultural-related industrial, and on-farm secondary uses. Policy B.3.5.1.5 states that General Open Space shall include golf courses, community gardens, pedestrian and bicycle trails, walkways, picnic areas, beaches, remnant parcels of open space lands and urban plazas, squares, and core spaces.

The proposal for a Golf Driving Range and an air-structure for an Indoor Soccer and Driving Range is not permitted within those lands designated “Agriculture” or “Open Space”. However, the existing Golf Driving Range would fall within the range of uses permitted in the “Open Space” designation. Further, the Temporary Use By-law criteria outlined by Policies F.1.11.2 and F.1.11.3 states:

“1.11.2 A Temporary Use By-law may allow a use that is clearly of a temporary nature and the proposed use shall contain buildings or structures that can be easily removed after the expiry date of the Temporary Use By-law.

1.11.3 The proposed temporary use shall:

a) Be compatible with uses on adjacent and nearby properties;

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 9 of 12

- b) *Not have adverse impact on the traffic, transportation, or parking facilities in the area;*
- c) *Comply with the Minimum Distance Separation requirements established by the Province; and,*
- d) *Have sufficient services such as roads, stormwater drainage, water supply and sanitary sewage systems to accommodate the proposed temporary use.”*

The proposed air-structure to contain a year round Indoor Soccer Centre and Golf Driving Range measures approximately 91 metres by 61 metres, and will require a solid concrete foundation and site alterations to ensure the structure is surrounded by hard surface material. As such, the proposal does not meet the intent of the Temporary Use criteria, whereby the proposal is temporary in nature, can be easily removed, and is compatible with adjacent uses.

Therefore, the proposal does not conform with the new Rural Official Plan. However, the existing Golf Driving Range would be consistent with the policies of the Open Space designation and, therefore, conforms to the Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no concerns or objections:

- Infrastructure and Source Water Protection Section, Public Works Department.
- Traffic Engineering Section, Public Works Department.
- Forestry and Horticulture Section, Public Works Department.
- Halton Conservation Authority.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 27 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on August 17, 2010, requesting public input on the application. To date, 1 comment has been received, and has been included in Appendix "B".

The concerns discussed in the letter received pertained to the nature of the proposal, the affect of the proposed Temporary Use By-law, and the impact to the neighbouring properties and the environment. These concerns are discussed in the Analysis/Rationale for Recommendation section of this Report.

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 10 of 12

Further, a Public Notice sign was posted on the property on October 24, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal for a Temporary Use By-law for the existing Golf Driving Range and an air-structure to contain a year round indoor soccer and driving range cannot be supported on the following basis:
 - (i) The proposal is not consistent with the Provincial Policy Statement, and does not conform to the Places to Grow Plan;
 - (ii) The proposal does not conform to the Region of Hamilton-Wentworth Official Plan or the Town of Ancaster Official Plan;
 - (iii) The proposal does not conform to the New Rural Hamilton Official Plan; and,
 - (iv) The size and construction requirements of the proposed air-structure do not conform to the Temporary Use By-law Policies of the Town of Ancaster Official Plan and the New Rural Hamilton Official Plan.

However, consideration could be given to an amended application for only the existing Golf Driving Range as a temporary use for three (3) years.

2. Staff has reviewed the application and found that the subject lands meet 5 of the 10 criteria used by the City of Hamilton and the Ministry of Tourism and Culture for determining archaeological potential. Staff has identified that an Archaeological Assessment is required to be prepared, prior to the passage of any By-law. The proposal is for permitting a Temporary Use By-law for the continued operation of the existing Golf Driving Range, and to permit a new air-structure for year-round operation of the Golf Driving Range and in-door Soccer Complex.

The site works involved with installing an air-structure would require excavation to establish the foundation for the structure. Should the proposal to permit an air-structure be approved, staff recommends placing the subject lands into an 'H' Holding Provision, to be lifted only when the applicant has demonstrated that an Archaeological Assessment has been completed, to the satisfaction of the Director of Planning and the Ministry of Tourism and Culture. However, a Temporary Use By-law for only the existing driving range would not require an Archaeological Assessment.

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 11 of 12

3. Section 39 of the Planning Act states that the Council of a municipality may pass a By-law under Section 34 to authorize the temporary use of land, buildings, or structures otherwise prohibited for a prescribed term of 3 years. Council may also approve subsequent By-laws for the extension of said use following the expiry of a By-law, on the same basis. The existing Golf Driving Range has been subject to three previous Temporary Use By-laws. Under the Town of Ancaster Zoning By-law the definition of “Recreational Use” specifically excludes, among other uses, a Golf Driving Range. A Golf Driving Range is only permitted in the Urban Commercial “C4” Zone. Accordingly, such use would not be permitted in the Agricultural Zone or the Open Space Zones. Staff cannot support the proposal of a Golf Driving Range and Soccer Field within an air-structure for year-round recreational uses. However, as an alternative for consideration, the portion of the subject lands occupied by the existing Driving Range could be re-zoned from the Agricultural “A” Zone to the Agricultural Zone, Modified, with a Special Exception. This modification would apply the regulations of the Private Open Space “O1” Zone, with a further exception extended to the parking area to permit a surface other than concrete or asphalt, and to permit the Golf Driving Range as a Recreational Use as done in the previous By-laws.
4. Staff received one letter in response to the preliminary circulation of the application, which identified a number of concerns regarding the proposal. They included the size of the proposed structure, potential for accidents due to increased traffic to and from the property, the expiry of the Temporary Use By-law, surface type and drainage of the parking lot, and environmental implications (see Appendix “B”). The concerns raised specifically highlight potential impacts should an air-structure be erected on the subject lands. The letter did not identify any concerns with the existing conditions. The proposed structure measures 91 metres by 61 metres, and the existing driving range has a gravel parking area, as shown on Appendix “C”. Should the application be approved, the structure would be subject to Site Plan Control where matters such as drainage, grading, and traffic impacts would be reviewed, in detail.
5. A Planning Justification Report, dated January 18, 2011, and prepared by Fothergill Planning & Development Inc., was submitted to Planning staff for review. The detailed Report reflects the agent’s professional planning opinion of the proposal and its conformity with the Places to Grow Plan, the Provincial Policy Statement, the Regional Official Plan, the Town of Ancaster Official Plan, and the new Rural Hamilton Official Plan. Due to the size of the Report, only a copy of the Summary has been appended (see Appendix “D”). A full copy is available for review upon request to Development Planning.

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 12 of 12

As outlined in the Policy Implications section above, staff is of the opinion that a structure, temporary or otherwise, which will contain a use that is not contemplated to exist in the rural area as prescribed by the above noted policy document, is not consistent with said documents. Therefore, staff is unable to support the application, as submitted, to erect an air-structure to cover the existing temporary Golf Driving Range and proposed Soccer Field.

ALTERNATIVES FOR CONSIDERATION:

1. If the application is denied, then the applicant has the option of utilizing the subject lands as prescribed by the Agricultural "A" Zone.
2. Consideration could be given to permitting the temporary use of only the existing Golf Driving Range.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

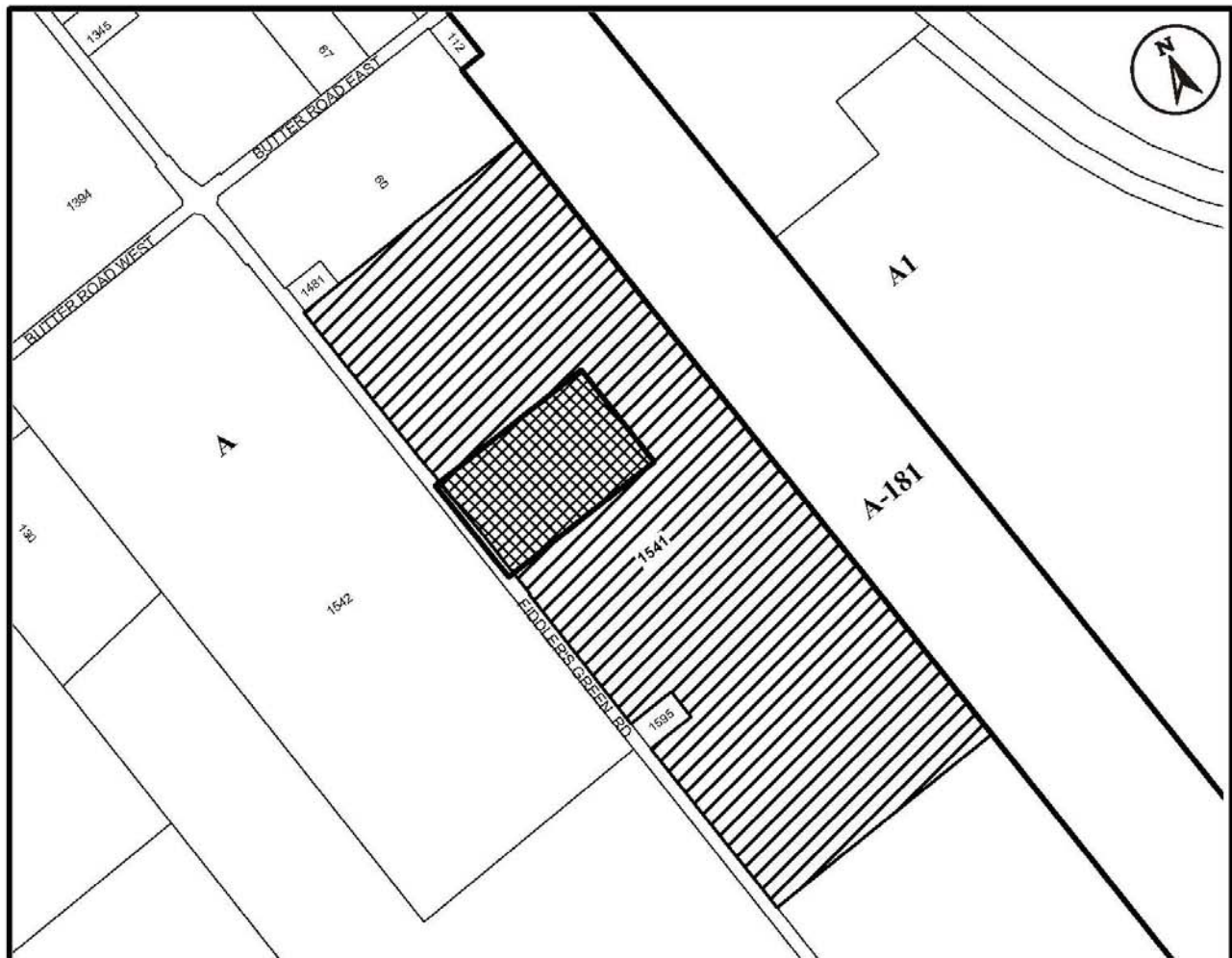
Healthy Community

- ◆ Plan and manage the built environment.

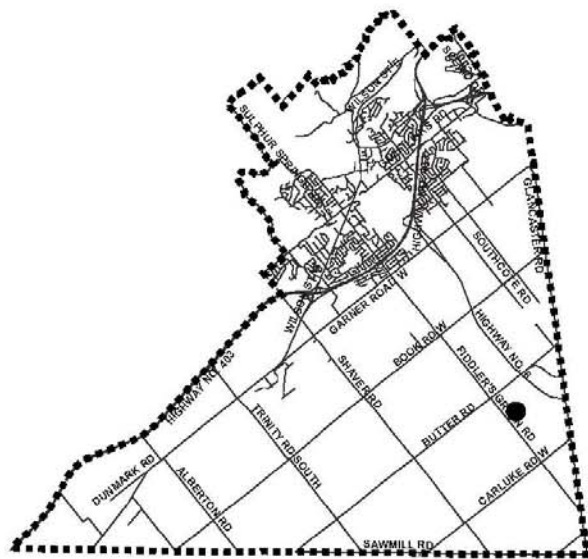
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Public Comments
- Appendix "C": Concept Plan
- Appendix "D": "Summary" from Planning Justification Report, prepared by Fothergill Planning & Development, January 18, 2011.

:KM
Attachs. (4)



● Site of the Application



Ward 12 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-10-034

Date:
October 19, 2010

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
KM/SW

Subject Property



1541 Fiddlers Green Road



Portion of 1541 Fiddlers Green Road subject to application.

Mihaljevic, Kate

From: Mark Comley [
Sent: Thursday, September 09, 2010 6:15 PM
To: Mihaljevic, Kate
Subject: File No: ZAR-10-034

Hello Kate,

We are owners of a 200 acre farm around the corner from this proposed site. We farm the land directly across the street from the driving range on Fiddler's Green Rd. We would like to see this structure not built in this location and have several questions/comments.

1. How much land will the structure and parking area involve?
2. Having people enter and exit onto Fiddler's Green Rd. at the point of the structure will impact traffic and is sure to involve potential accidents. As it is the golf area is at the top of a steep hill and with the speeds travelled on Fiddlers we can only imagine the potential accidents.
3. What is the guarantee to the community surrounding that after the three years proposed it will definitely be removed?
4. Will the parking lot be paved or stone? If paved, what is going to be done about potential water run-off?
5. Will there be an environmental study done both before and after this proposal?

We farm hundreds of acres in the immediate area of this proposed facility and are concerned with potential drainage issues. How will this be addressed with respect to field drainage into other farms around the site? Is this something that is going to be included in an environmental study. We really hope this application does not pass, the location is poor at best for such a facility.

Regards,

--

Mark and/or Kari Comlev

activity. However, notwithstanding the small scale of the proposed development, the standards in Policy 4.3.6(i) to (v) have merit and can be assessed in design elements associated with this proposal.

3.0 Summary

In summary, the operative planning policy document is the Town of Ancaster Official Plan. As was the case in the preparation of the staff report of March 30, 2001, the relevant policy foundation for the consideration of the application is Section 7.14.1, which sets out criteria for temporary use by-laws. The use of a golf driving range complied with the intent in 2001. In my opinion, the addition of a soccer field as a permitted use similarly complies with the provisions of Section 7.14.1.

In order to ensure that temporary uses do not become permanent fixtures, subsection (iii) places two restrictions on the consideration of temporary uses, including the addition of buildings and structures which are clearly contemplated in this section. The proposal complies with both of the provisions with respect to limited capital investment and easily removable buildings. In this case, there are no buildings to be removed, but simply a covered protection for the permitted uses. Not only is this protection easily removable at the end of the period for the temporary use by-law, but this covering will be removed on an annual basis, thus providing a greater level of assurance of complying with subsection (iii).

The proposed covering of the permitted uses does not offend any upper tier planning policy document, including the new City of Hamilton Official Plan, the existing Regional Official Plan, or Provincial policy documents. These broader level documents seek to strike a balance between economic development, the preservation of agricultural land, and protection of important natural features. This proposal, as a private open space, enhances economic development potential for the community. It does not take up any additional land, nor does it have any impact on significant natural features. The protective cover is simply to allow the extension of an appropriate use through a longer time period, to enhance the viability of the proposed use, and to allow for a more efficient use of land, while not adversely affecting agricultural operations.

Planning Report
Temporary Use By-law
1541 Fiddlers Green Road, City of Hamilton (Former Town of Ancaster)

It is therefore my opinion that the proposal represents good planning.

Respectfully submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.

E. J. Fothergill, MCIP, RPP
President

C:\WPDOCS\REPORTS\D-DEKANEAS-PR-Jan-18-11.wpd