



Hamilton

Corporate Services

Memorandum

Date: May 23, 2006

To: Chair and Members
Planning and Economic Development Committee

From: Carolyn Biggs
Legislative Assistant

Subject: Application to Amend the Hamilton-Wentworth Official Plan, Township of Glanbrook Official Plan and Township of Glanbrook Zoning By-law on lands known as 8229 English Church Road (Glanbrook) (PED06147) (Ward 11) (Referred by Council on May 24, 2006)

At the May 16, 2006 meeting of the Planning and Economic Development Committee, the following motion was moved by Councillor Braden and seconded by Councillor Mitchell:

“That a proposal to approve severances for Lot 1 and Lot 2 conditional upon the owner agreeing to delete the additional dwelling use within the clubhouse be referred to the next Planning and Economic Development Committee meeting pending further discussion between the parties concerned.”

The public meeting for this application was held at the Planning and Economic Development Committee on May 16, 2006. The staff report (attached for your information and reference) was defeated and as a result, the above-noted motion was referred to the June 6, 2006 meeting of the Planning and Economic Development Committee for consideration.

:cab.
Attach.

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chair and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department
Date: April 28, 2006	Prepared by: Paul Moore
File No.: ROPA-05-02, OPA-05-08, ZAC-05-58	(905) 546-2424, Ext. 1262

SUBJECT: Applications to Amend the Hamilton-Wentworth Official Plan, Township of Glanbrook Official Plan and Township of Glanbrook Zoning By-law on Lands Known as 8229 English Church Road (Glanbrook) (PED06147) (Ward 11)

RECOMMENDATION:

That the applications for **Regional Official Plan Amendment ROPA-05-02, Official Plan Amendment OPA-05-08 and Zoning By-law Amendment ZAC-05-58, by Hamilton Sod (Steve Schiedel), owner**, to permit the creation of three lots for single detached dwellings, and to change the zoning from the Private Open Space "OS1-131" Zone and "OS1-132" Zone to the Existing Residential "ER" Zone on a portion of the lands known as 8229 English Church Road, as shown on Appendix "A" to Report PED06147, **be denied** on the following basis:

- (a) That the proposal is not consistent with the Provincial Policy Statement (PPS) since the creation of new residential lots in prime agricultural areas shall not be permitted, except if it is for a residence surplus to a farming operation.
- (b) That the PPS protects airports from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above the 30 NEF/NEP contour.

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- (c) That the proposed amendments to the Hamilton-Wentworth Official Plan and Glanbrook Official Plan are not considered to be appropriate as they would set a precedent for creating lots in the Rural Area, and they would promote new development in the vicinity of the airport above the 30 NEF/NEP contour.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the applications is to permit the creation of three lots for single detached dwellings.

The proposal cannot be supported as it is not consistent with the Provincial Policy Statement, and does not conform to the general intent of the Regional Official Plan and Glanbrook Official Plan in terms of lot creation in the rural area, or in terms of protecting the airport from incompatible land uses.

BACKGROUND:

Proposal

The applicant has applied to amend the Hamilton-Wentworth Official Plan and Glanbrook Official Plan in order to permit the creation of three lots from the lands known as 8229 English Church Road. Two of the three proposed lots (Parts 2 and 3 on Appendix "B") contain existing single detached dwellings. Part 1, as shown on Appendix "B", would be for the construction of a new single detached dwelling. The applicant has also applied to change the zoning of the subject lands from the Private Open Space "OS1-131" Zone and the "OS1-132" Zone to the Existing Residential "ER" Zone.

Lot 1 and Lot 3 are proposed to have a lot frontage of 62 metres and a lot area of .4 hectares. Part 2 is proposed to have a lot frontage of 71 metres and a lot area of .46 metres. These lots would comply with the minimum lot frontage and minimum lot area requirements of the Existing Residential "ER" Zone of Zoning By-law No. 464. It is noted that the applicant has not applied to the Committee of Adjustment for the approval of severances at this time.

The two existing single detached dwellings are currently located on the lands with the existing golf course (Willow Valley) operated by the applicant and are used in association with the golf course (i.e. greenskeeper/manager/owner residences).

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Details of Submitted Application

Owner/Applicant: Hamilton Sod, Steve Schiedel, Owner

Location: 8229 English Church Road, Glanbrook

Description: Lot Width: 195.66 metres
 Lot Depth: 85 metres
 Lot Area: 1.66 hectares

EXISTING LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	2 single detached dwellings and golf course	Private Open Space “OS1-131” and “OS1-132” Zones
<u>Surrounding Lands</u>		
North	Single detached dwelling and Agriculture	General Agriculture “A1” Zone
South	Golf course	Private Open Space “OS1-132” Zone
East	Golf course	Private Open Space “OS1-131” and “OS1-132” Zones
West	Single detached dwellings	Existing Residential “ER Zone

ANALYSIS/RATIONALE:

1. This proposal cannot be supported by staff for the following reasons:
 - (a) It is not consistent with the Provincial Policy Statement (PPS) since the creation of new residential lots in Prime Agricultural Areas is not permitted for non-agricultural uses.
 - (b) It is not consistent with the PPS since new residential development and other sensitive land uses in areas near airports above the 30 NEF/NEP contour are prohibited.
 - (c) It does not maintain the general intent of the Hamilton-Wentworth Official Plan and the Glanbrook Official Plan since lot creation is only anticipated for agricultural related uses.

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- (d) It does not consider the protection of the airport from incompatible land uses as additional residents would be exposed to nuisance effects (noise) associated with the general operation of the airport.
- (e) The applications to amend the Regional Official Plan and the Glanbrook Official Plan to permit the creation of residential lots would set a precedent for future lot creation in the “Rural Area”.

2. Comments received from Transport Canada, attached as Appendix “D” state the following:

“The property is located only 1.5 km from the threshold of runway 30 at the Hamilton International Airport and lies directly under the take-off/approach path. Noise levels at this location are well above the 30 NEF noise contour. Both provincial and federal guidelines (Provincial Policy Statement and TP1247, Land Use in the Vicinity of Airports) recommend no new residential development above the 30 NEF.

It is strongly recommended that the City of Hamilton not approve this application.

In addition to noise concerns, please be aware that the property is subject to the Hamilton Airport Zoning regulations which will include restrictions on the heights of buildings, structures and objects, (including objects of natural growth), and restrictions on the disposal of waste that attracts birds”.

3. Comments were also received from the Hamilton International Airport, attached as Appendix “C”, stating:

“The airport is opposed to further residential development within the airport influence area. This area is subject to aircraft noise on a 24-hour/365 day basis and the noise exposure forecast (NEF) for the proposed residential lots exceed Transport Canada’s guidelines for residential development. As a key economic generator for the City of Hamilton, it is critical the 24 hour operations of the airport be preserved by not permitting residential development within the airport influence area. Similarly, it is important the quality of life for Hamilton residents be protected by not developing residential properties in aircraft noise impacted areas”.

They advised that they do not oppose the creation of the lots for the existing dwellings, however, they are opposed to the proposed subdivision to create a new lot.

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4. The two existing single detached dwellings are located on the same holding as that of the existing golf course. These dwellings are used in association with the golf course (i.e. greenskeeper/manager/owner residences). The site-specific zoning for the golf course does not permit the single detached dwellings, however, it does permit an accessory dwelling unit within the clubhouse for the use by the golf course manager/greenskeeper. The proposed amendments to the Official Plans would create site-specific policies to allow severances to create three individual lots that could be sold by the owner to other individuals. The addition of three individual lots and one new dwelling in the rural area, and in the vicinity of the airport, is not envisioned by Federal, Provincial and Local policy and, therefore, is considered to be inappropriate.

The subject lands are located between the 30 and 35 NEF contour, as shown on Appendix "E". The policies are quite clear that no new residential development is permitted above the 30 NEF contour. It is noted that the Glanbrook Official Plan also does not permit new residential development above the 35 NEF contour. Although two single detached dwellings exist today, they form part of the golf course holding. If these applications are approved and the individual lots are created, there is the potential for three new families to be exposed to the airport and its general nuisance effects from its 24-hour operation.

ALTERNATIVES FOR CONSIDERATION:

The larger holding of the applicant, Willow Valley Golf Course, would continue to operate with two single detached dwellings located on the property and used by the golf course should these applications not be approved. An additional accessory dwelling unit within the clubhouse is also permitted as-of-right on the larger holding for a total of three dwellings on site.

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 applications for amendments to the Hamilton-Wentworth Official Plan, Township of Glanbrook Official Plan, and for a change in Zoning.

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POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the applications are consistent with the principles and policies that are applicable. The policies applicable to these applications are as follows:

Policy 2.3.4.1

“That lot creation within prime agricultural areas is discouraged and may only be permitted for:

- (a) agricultural uses.
- (b) agriculture–related uses.
- (c) a residence surplus to a farming operation as a result of farm consolidation.
- (d) infrastructure“.

Policy 2.3.4.3

“The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with Policy 2.3.4.1 (c)”. It is noted that this policy is for the severance of land for a residence surplus to farming operation as a result of consolidation.

Policy 1.6.7.1

“Planning for land uses in the vicinity of airports shall be taken so that:

- (a) the long-term operation and economic role of airports is protected.
- (b) airports and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.”

Policy 1.6.7.2

“Airports shall be protected from incompatible land uses and development by:

- (a) prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada.

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- (b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport.”

Hamilton-Wentworth Official Plan

The subject lands are designated “Rural Area” on Map No. 1, Regional Development Pattern. Further, these lands are designated “Prime Agricultural Lands” on Map No. 2, Agricultural Lands and Niagara Escarpment Plan Area.

Section 8, Land Severance, of the Hamilton-Wentworth Official Plan states:

“The severance or division of land within the Rural Areas and in particular on prime agricultural lands is generally inconsistent with the principles of sustainable development. Accordingly, residential development will be concentrated in Rural Settlement Areas.”

The following policies are applicable to these applications:

Policy 8.1.1

“Require that Area Municipal Official Plans contain detailed policies consistent with the policies of this Plan, which limit consents in the Rural Area and on prime agricultural lands and direct severance activity to Rural Settlement Areas.”

Section 8.3, Prime Agricultural Lands, states:

“The preservation and enhancement of farming and agricultural lands are vital components of the sustainable future envisioned for this Region. Retention of the agricultural land base in large parcels to maintain viability and flexibility (as identified in the Foodland and Guidelines) is fundamental. Therefore, to protect Prime Agricultural Lands, the Region will:

8.3.1 Consider only one consent for farm related residential purpose from a viable farm operation where:

- (a) the applicant has owned, resided on and actively farmed the property as a primary business activity for the last 10 years.
- (b) no consent for farm related residential purposes has been granted from the property since June 1980.
- (c) the remaining property is a viable farm operation and not less than 18 hectares (approximately 45 acres) in size, unless the farm is a specialized operation and considered viable.

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- (d) the application complies with the other applicable policies of this plan and the area Municipal Official Plan.”

Policy 4.3.5.3

“Minimize future conflicts between the operation of the airport and surrounding land uses. Under this policy the affected Area Municipalities will be required, in their Official Plans and zoning regulations, to apply noise forecast contours (Transport Canada) and guidelines for development in the vicinity of airports (Provincial Ministry of Municipal Affairs and Housing) so that:

- (a) No new residential uses are developed within areas exposed to noise disturbance levels at 30 NEF or greater, except where the lands are currently designated Urban and subject to the provisions of the Provincial Policy Statement, as amended from time-to-time.
- (b) All new development permitted within areas exposed to noise disturbance levels of 28 NEF or greater, will be required to be insulated for noise, in accordance with the standards of the Provincial Ministry of Municipal Affairs and Housing.”

Based upon the foregoing, these applications do not conform to the Hamilton-Wentworth Official Plan.

Township of Glanbrook Official Plan

The subject lands are designated “Open Space and Conservation” on Schedule A, Land Use Plan in the Township of Glanbrook Official Plan. These lands are located in the Rural Area.

The applicant has applied to amend this designation to permit residential uses on a site-specific basis or to change the designation to “Agricultural”. It is noted that the “Open Space and Conservation” designation does not permit residential uses, therefore, it would be appropriate for the requested change to be to the “Agricultural” designation.

The creation of residential lots in the Rural Area is subject to the Policies of Section D.2, Rural Area Policies of the Official Plan. As such, the only residential lots anticipated to be created are those related to agricultural uses (i.e. retirement lot for a bona fide farmer, a lot for the child of a bona fide farmer, surplus farm dwellings as a result of consolidation or infill lots).

This proposal would not conform to any of the consent policies in the Glanbrook Official Plan.

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Policy B.1.10.5 states:

“To minimize future conflicts between the operation of the airport and the surrounding land uses, all development and redevelopment on the lands in the vicinity of the airport shall be required to satisfy the approved airport zoning regulations as established by Transport Canada, and the requirements of the Ministry of Municipal Affairs and Canada Mortgage and Housing Corporation regarding the application of the noise exposure forecast (NEF) contours. With respect to the application of noise exposure forecast contours relating to new development, the following criteria shall be adhered to:

- (a) No new residential uses shall be developed within areas exposed to noise disturbance levels at 35 NEF or greater.
- (b) All new development permitted within areas exposed to noise disturbance levels of 28 NEF or greater shall be required to satisfy the requirements of the Ministry of Municipal Affairs and Canada Mortgage and Housing Corporation regarding acoustic design.”

Correspondence received from Transport Canada, attached as Appendix “D”, states that noise levels at the subject lands are well above the 30 NEF noise contour.

Based upon the foregoing, these applications do not conform to the Glanbrook Official Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Objection

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Parking Services, Planning and Economic Development Department.
- Forestry Section, Public Works Department.
- Open Space Development and Park Planning Section, Public Works Department.
- Capital Planning and Implementation Section, Public Works Department.
- Culture and Recreation Division, Community Services Department.
- Hamilton-Wentworth District School Board.
- Niagara Peninsula Conservation Authority.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 23 property owners within 120 metres of the subject lands. In addition, a Public Notice sign was placed on the subject lands. To date, staff has not received any response from the public.

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CITY STRATEGIC COMMITMENT:

By evaluating the “**Triple Bottom Line**”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. **Yes** **No**

The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. **Yes** **No**

Potential impacts on the public from noise associated with the airport operations would be created through the approval of these applications.

Economic Well-Being is enhanced. **Yes** **No**

New development is discouraged in the vicinity of the airport for numerous reasons including potential economic impacts on the operation of the airport.

Does the option you are recommending create value across all three bottom lines?

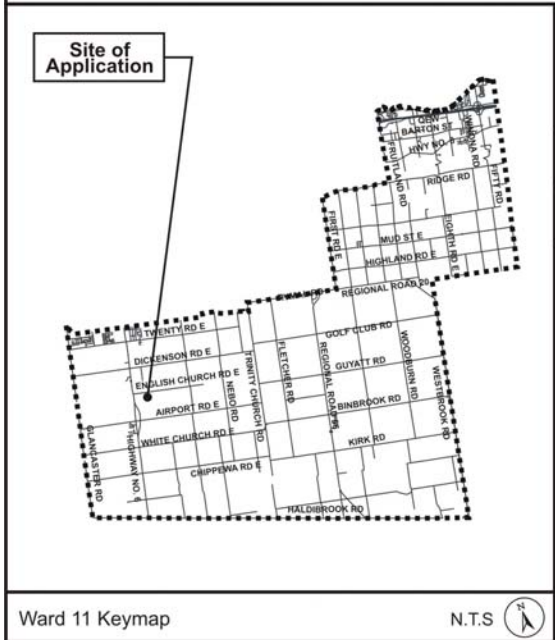
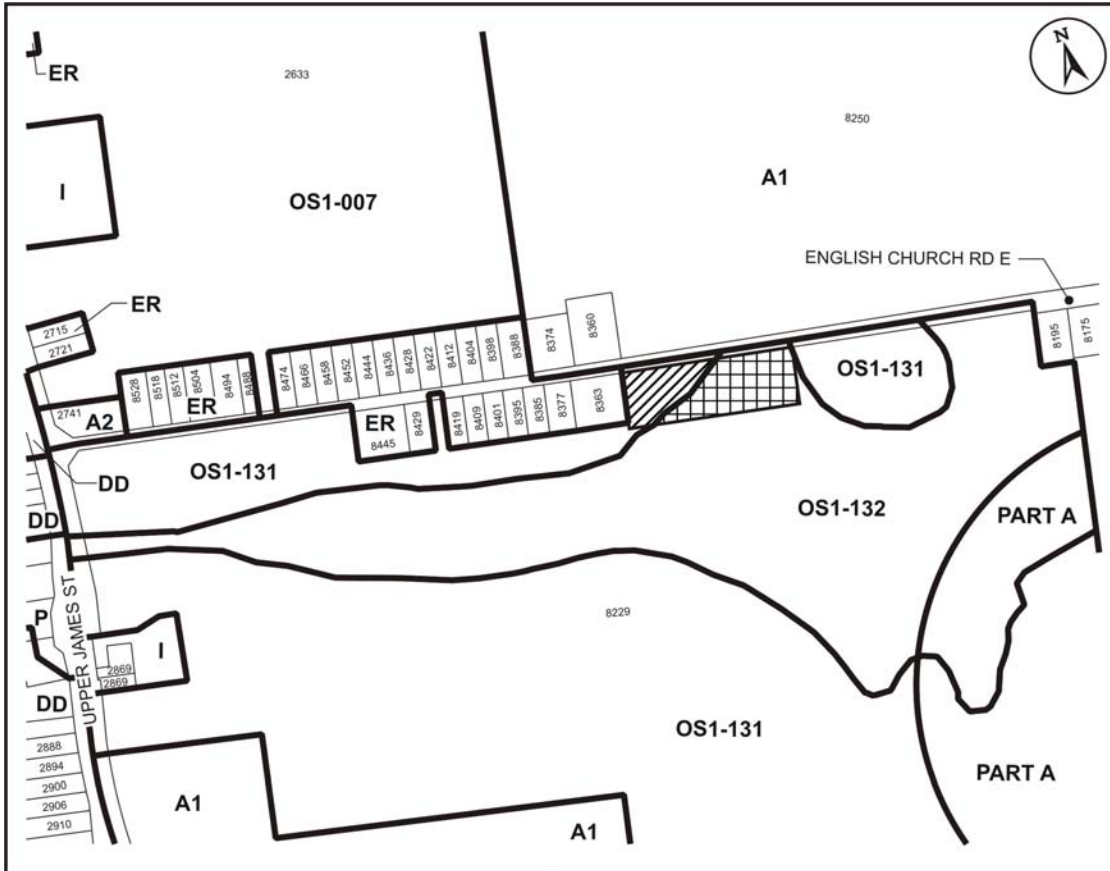
Yes **No**

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

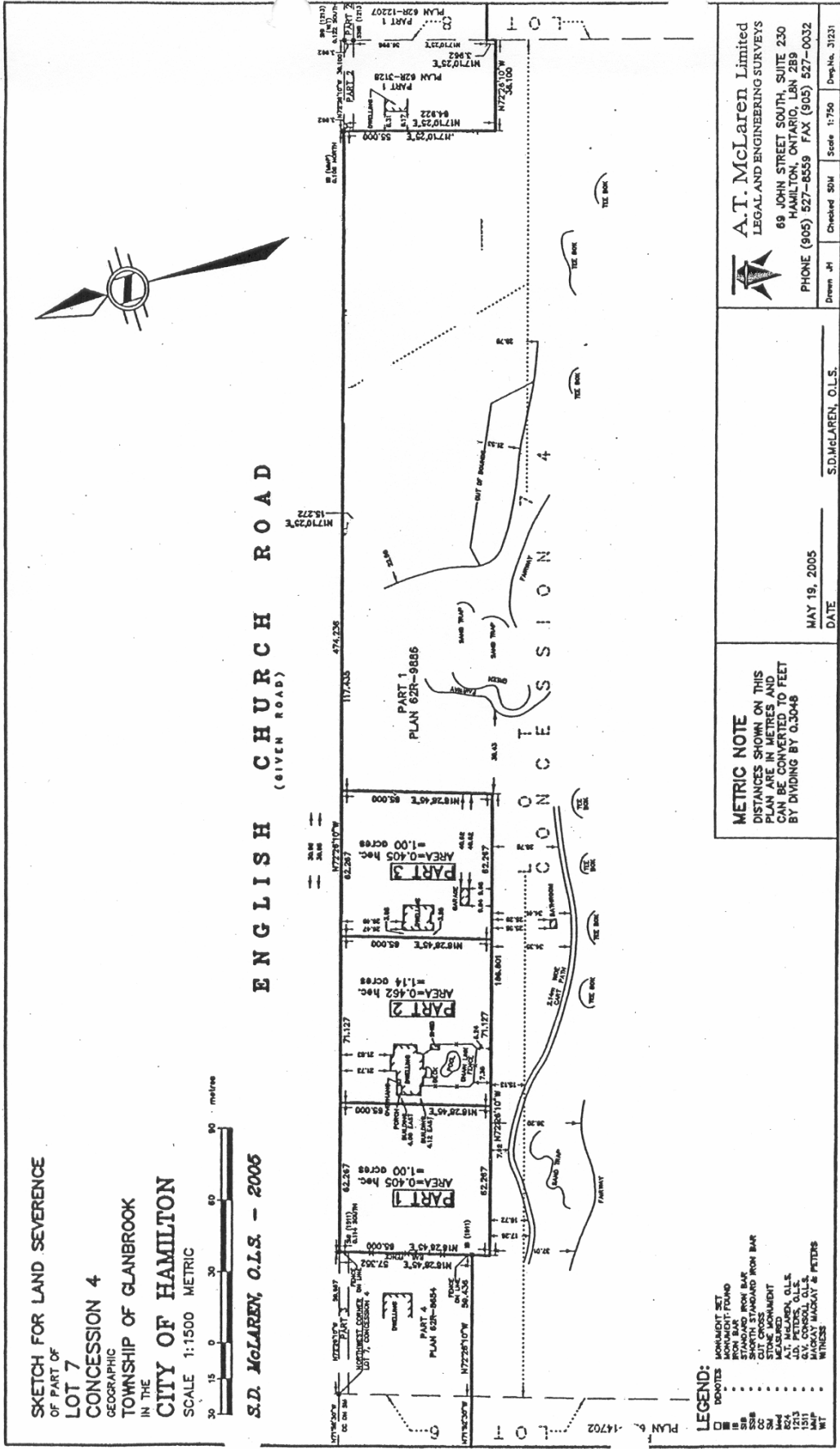
Yes **No**

:PAM

Attachs. (5)



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
Location Map		
File Name/Number: ZAC-05-58	Date: March 1, 2006	
Appendix "A"	Scale: N.T.S.	Planner/Technician: PM/MB
Subject Lands		
	Block 1 - Change from Private Open Space "OS1-131" Zone to Existing Residential "ER" Zone.	
	Block 2 - Change from Private Open Space "OS1-132" Zone to Existing Residential "ER" Zone.	
Ward 11 Keymap N.T.S. 		



Moore, Paul A

From: Stewart Steeves [ssteeves@YHM.com]
Sent: Thursday, June 30, 2005 1:29 PM
To: Moore, Paul A
Cc: Richard Koroscil; edf Paparella, Guy
Subject: Hamilton Sod / 8229 English Church Road

Dear Paul,

Thank you for providing Hamilton International Airport the opportunity to comment on the proposed amendments and rezoning to accommodate five residential lots on the Hamilton Sod property near the John C. Munro Hamilton International Airport.

The Airport is opposed to further residential development within the airport influence area. This area is subject to aircraft noise on a 24-hour / 365 day basis and the noise exposure forecast (NEF) for the proposed residential lots exceed Transport Canada's guidelines for residential development. As a key economic generator for the City of Hamilton, it is critical the 24-hour operations of the airport be preserved by not permitting residential development within the airport influence area. Similarly, it is important the quality of life for Hamilton residents be protected by not developing residential properties in aircraft noise impacted areas.

To specifically address the proposal, we do not oppose subdivision of the existing residential properties, provided an airport warning clause is included on the property titles. However, we are opposed to the proposed subdivision to create three additional residential lots.

Thank you for the consideration of our recommendation.

Stewart Steeves
Vice President, Finance & Chief Financial Officer

John C. Munro
Hamilton International Airport
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f 905.679.2100
www.hamiltoninternational.ca





Transport
Canada

Transports
Canada

4900 Yonge Street
4th Floor
Toronto ON M2N 6A5

Your file Votre référence

July 14, 2005

Our file Notre référence
5130-6-120 (PAD)
RDIMS 1258545

Mr. Peter J. De Iulio, BES, MCIP, RPP, Senior Project Manager
Planning and Economic Development Department
Development and Real Estate Division
Development Planning – East Section
City Hall, 71 Main Street West, 6th Floor
Hamilton, ON L8P 4Y5

RECEIVED JUL 18 2005

Dear Mr. Iulio:

**Re: REQUEST FOR COMMENTS – APPLICATION FOR AMENDMENTS TO THE REGIONAL
OFFICIAL PLAN, TOWNSHIP OF GLANBROOK OFFICIAL PLAN AND THE TOWNSHIP
OF GLANBROOK ZONING BY-LAW NO. 464 BY HAMILTON SOD ON PROPERTY
LOCATED AT 8229 ENGLISH CHURCH ROAD, GLANBROOK**

This is in response to your letter dated June 17, 2005, regarding the captioned subject.

The property is located only 1.5 km from the threshold of Runway 30 at the Hamilton International Airport and lies directly under the take-off/approach path. Noise levels at this location are well above the 30 NEF noise contour. Both provincial and federal guidelines (Provincial Policy Statement and TP1247, Land Use in the Vicinity of Airports) recommend no new residential development above the 30 NEF.

It is strongly recommended that the City of Hamilton not approve this application.

In addition to noise concerns, please be aware that the property is subject to the Hamilton Airport Zoning Regulations which include restrictions on the heights of buildings, structures and objects, (including objects of natural growth), and restrictions on the disposal of waste that attracts birds.

Should you require any further information, please contact the undersigned at 416-952-7254 or Mr. Chris Chorny at .

Yours truly,

Keith Reilly
Civil Aviation Safety Inspector
Aerodromes and Air Navigation
Ontario Region

**HAMILTON
 INTERNATIONAL
 AIRPORT**

MASTER PLAN

LEGEND

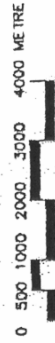


30

30 NEP CONTOUR:

THE PROVINCIAL POLICY IS THAT
 NEW RESIDENTIAL DEVELOPMENT
 AND OTHER SENSITIVE LAND
 USES SHOULD NOT BE LOCATED
 IN AREAS NEAR AIRPORTS AROUND
 THE 30 NEP/NEP CONTOUR

SCALE:



**NOISE EXPOSURE PROJECTIC
 CONTOURS-2017
 SCENARIO 1**

FIGURE 6.11
 MAY 1999

