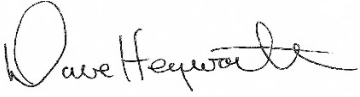





COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	January 29, 2025
SUBJECT:	Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium Applications Received for an Urban Boundary Expansion – 159 and 163 Sulphur Springs Road, Ancaster (Ward 12 and City Wide)
WARD(S) AFFECTED:	Ward 12 and City Wide
SUBMITTED BY:	Dave Heyworth Acting Director and Senior Advisor – Strategic Growth Planning and Economic Development Department
SIGNATURE:	 Anita Fabac Acting Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to inform Council that the Planning Division has received Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium applications to expand Hamilton’s urban boundary to include approximately 10 hectares of land within the Greenbelt Plan Area and Niagara Escarpment Plan Area for 159 and 163 Sulphur Springs Road, Ancaster.

Planning Applications

On December 19, 2024, the Planning Division received Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium applications to expand Hamilton’s urban boundary into the Greenbelt Plan Area and Niagara Escarpment Plan Area by approximately 10 hectares to allow the development of 14 single detached dwellings and 61 townhouse dwellings on a condominium road. A Concept Plan depicting the location and layout of the proposed dwellings is included as Appendix 1. The submission also included a copy of an application form to the Niagara Escarpment Commission to amend the Niagara Escarpment Plan.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe, and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium Applications Received for an Urban Boundary Expansion – 159 and 163 Sulphur Spring Road, Ancaster (Ward 12 and City Wide) Page 2 of 3

As directed by the Draft Framework for Processing and Evaluating Urban Boundary Expansion applications, all materials submitted with the applications has been posted on the City's website at www.hamilton.ca/ube.

Greenbelt Act and Niagara Escarpment Plan

The proposed applications constitute an urban boundary expansion into the Greenbelt Plan Area as designated under the Greenbelt Act, 2005 and the proposed uses conflict with the land use policies of the Niagara Escarpment Plan which designates the lands Escarpment Protection and Escarpment Natural, neither of which allow urban development. The Provincial Planning Statement, 2024, states municipal planning decisions must conform or not conflict with Provincial Plans which includes the Niagara Escarpment Plan.

Applications Deemed Incomplete

Planning Division staff have reviewed the submission against the Draft Framework and other applicable policies of the Urban and Rural Hamilton Official Plan and deemed the application incomplete on January 15, 2025. In the notice of incomplete application letter to the applicant, in addition to and separate from the reasons the application was deemed incomplete, staff have requested that the applications be withdrawn given the conflict with Provincial policies including the Niagara Escarpment Plan and only reconsidered if an amendment is made to the Niagara Escarpment Plan. Staff note that the applicant opted out of a Formal Consultation application which would have provided an opportunity for both the City and Niagara Escarpment Commission to provide comments on the proposal prior to the submission of the applications.

NEXT STEPS

The Planning Division is now waiting for the applicant to provide the additional information and materials identified in the notice of incomplete application letter before the applications will be processed and reviewed. Under the Planning Act the applicant can appeal the City deeming the applications incomplete to the Ontario Land Tribunal which would make a ruling determining whether the necessary information and materials, necessary to process the applications, have in fact been provided.

It is important to note Sections 22(7.1) and 22(7.2) of the Planning Act restrict the ability of applicants to appeal Council's refusal or non-decision of Official Plan Amendment applications proposing urban expansion into the Greenbelt Plan Area to the Ontario Land Tribunal. This means that unlike privately initiated urban boundary expansion applications into the whitebelt (meaning lands outside of the urban boundary and

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outside of the Greenbelt Plan Area), the applicant could not appeal a Council refusal or non-decision on the Official Plan Amendment to the Ontario Land Tribunal.

Please contact Dave Heyworth, Acting Director and Senior Advisor – Strategic Growth with any questions at Dave.Heyworth@hamilton.ca or by phone at (905) 546-2424 Ext. 5863.

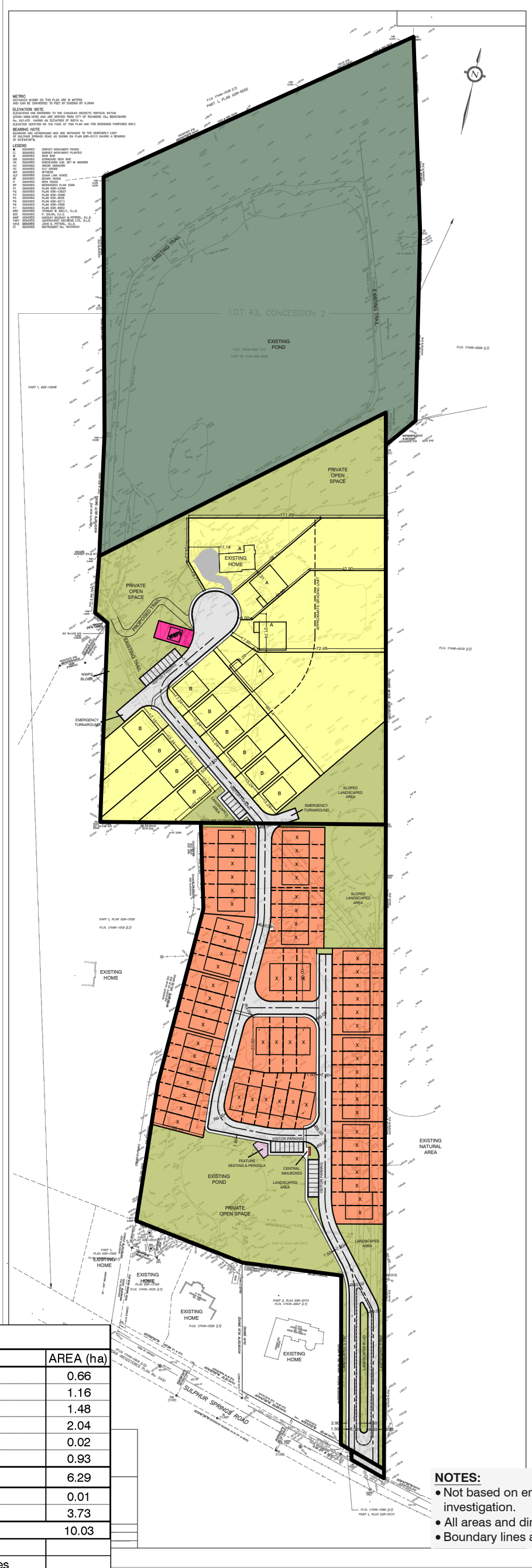
APPENDICES AND SCHEDULES

Appendix 1 – Concept Plan

OUR Vision: To be the best place to raise a child and age successfully.

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METRIC:
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UNLESS OTHERWISE NOTED TO THE CONTRARY

ELEVATION NOTE:
ELEVATIONS REFER TO THE DATUM: CANADIAN MEAN SEA LEVEL
ELEVATIONS SHOWN ON THIS PLAN ARE FOR INFORMATION PURPOSES ONLY
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READING NOTE:
ALL DIMENSIONS ARE AS SHOWN ON THIS PLAN UNLESS OTHERWISE NOTED TO THE CONTRARY

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SITE STATISTICS

DESCRIPTION	UNITS	AREA (ha)
DETACHED (15.24/50ft.)	10	0.66
DETACHED (18.29m/60ft.)	4	1.16
BLOCK TOWNHOUSE (7.62m/25ft.)	61	1.48
PARKS AND OPEN SPACE		2.04
WW PUMPING STATION		0.02
PRIVATE ROAD/SIDEWALK/PARKING		0.93
NET DEVELOPMENT TOTAL	75	6.29
ROAD WIDENING		0.01
NATURAL HERITAGE SERVICE		3.73
TOTAL	75	10.03
SERVICED ROAD LENGTH	700m	
VISITOR PARKING	31 spaces	

NOTES:

- Not based on engineering, environmental or any other required technical investigation.
- All areas and dimensions are approximate and subject to change.
- Boundary lines are based on available PDF of a plan of survey.

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