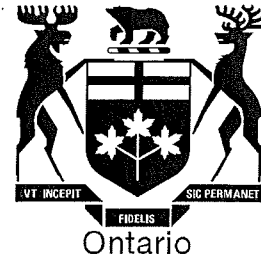


Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

14-309
Exhibit 2 G



ISSUE DATE: September 05, 2014

CASE NO(S): PL131391

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Parkside Hills Inc. & Silverwood Homes Inc.
Subject: Proposed Official Plan Amendment RHOP No.5
Municipality: City of Hamilton
OMB Case No.: PL131391
OMB File No.: PL131391

Heard: August 7, 2014 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

City of Hamilton

Lia Magi

Parkside Hills Inc. and Silverwood
Homes Inc.

Michael McQuaid

DECISION DELIVERED BY C. HEFFERON AND ORDER OF THE BOARD

[1] On August 19, 2014, the Board issued a Memorandum of Oral Decision and Order approving an amendment to Hamilton Rural Official Plan Amendment No. 5 ("HROPA No. 5").

[2] On August 7, 2014, which was when the subject hearing had taken place, the Board was also asked to approve a number of minor modifications to HROPA No. 5. Due to an administrative error at the Board's end, the requested revisions were not included in the original Decision and Order.

[3] The modifications serve to correct some "minor administrative errors". The minor

revisions are listed under Tab G of the affidavit of Joanna Hickey-Evans that was entered to the evidence as Exhibit 2.

[4] The Board qualified Ms. Hickey-Evans, a registered professional planner employed by the City of Hamilton, to provide opinion evidence on land use planning. The Board accepts the uncontested affidavit evidence of Ms. Hickey Evans and finds that the revisions to Policy C.5.4.1 as provided in Exhibit 2 G are minor and simply implement Council's decision with respect to Policy C.5.4.1. The Board also accepts Ms. Hickey-Evan's unopposed evidence and finds that the revisions satisfy all of the statutory requirements and represent good planning.

[5] Having considered her affidavit evidence, the Board further orders that HROPA No. 5 is amended in accordance with Exhibit 2 G.

"C. Hefferon"

C. HEFFERON
MEMBER

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elt.o.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Rural OPA No. 5 (OPA 5 (R))

Appellants: Parkside Hills and Silverwood

Proposed Settlement

The purpose of these modifications is to correct some formatting, renumbering and reference errors.

Body of OPA

1. Section 4.1.3 e. e) is amended by:

a) adding two additional clauses as d) and e) to Policy C.5.4.1:

d) Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of the Ancaster Industrial Park shall be permitted on the lands located at the south west corner of Highway 2 and Trinity Road (Ancaster Fairgrounds).

e) "Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of the Parkside Hills Subdivisions – Phase 2 (25T201003) shall be permitted on lands located north of the future east west corridor, west of Centre Road, Waterdown North."

b) deleting the words *as shown below* and relocating the words *as shown in Appendix 'B', attached to this Amendment* under clause f) after "...Policy C.5.4.1 c), so the clauses reads as follows:

e) Adding a new Policy C.5.4.1c), ~~as shown below~~, **as shown in Appendix 'B', attached to this Amendment:**

"c) Stormwater management ponds shall be permitted only for uses that serve the rural area."

f) Amending Policy C.5.4.2 to delete the word "and" after the words "satisfaction of the City" and replacing with the words "in consultation with" so phrase reads:

"to the satisfaction of the City in consultation with the relevant Conservation Authority";

~~as shown in Appendix 'B', attached to this Amendment:~~

Appendix "C" – Policy C.5.4.1 (page 94 of 132)

1. That clauses a, b) and c) of Policy C.5.4.1 be renumbered to c), d) and e) so the policy reads as follows:

so the policy reads as follows:

5.4.1 The location and construction of new storm water management ponds and the expansion, extension and operation of *existing* facilities on lands designated as Agriculture, Specialty Crop, Rural, Utilities and Rural Settlement Area on Schedule D - Rural Land Use Designations shall meet the following conditions:

- a) ...
- b) ...
- c) Storm water management ponds shall be permitted only for uses that serve the rural area.
- d) Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of the Ancaster Industrial Park shall be permitted on the west side of Trinity Road, midway between Wilson Street and Book Road West (Ancaster Fairgrounds).
- e) Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of Parkside Hills Subdivisions – Phase 2 (25T201003) shall be permitted on lands located north of the future east west corridor, west of Centre Road, Waterdown North.

Appendices-General:

1. When multiple appendices in OPA 5 (R) were merged three appendices - "B", "C", "D", were merged into one Appendix "C". To ensure the correct reference of the Appendix within the body of the OPA, Appendix "C" has to be split into "B", "C" and "D".:
 - a. page 67 to 94 of Appendix "C" be renumbered as Appendix "B";
 - b. page 116 to 122 of Appendix "C" be renumbered as Appendix "D";
2. page 1 of 132 of Appendix "F" be renumbered to 132 of 132