RECOMMENDATIONS:

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario that the City of Hamilton has no interest in acquiring their land located at 191-193 Mill Street South, in the former Town of Waterdown, now City of Hamilton, as shown on Appendix "A", attached to Report PED12187;

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario of the City of Hamilton’s requirements to the development of the site as identified in Appendix "B", attached to Report PED12187.
EXECUTIVE SUMMARY:

The Real Estate Section of the Economic Development Division of the Planning and Economic Development Department is seeking Council’s direction to advise Infrastructure Ontario (IO) that the City of Hamilton has no interest in acquiring the surplus lands located at 191-193 Mill Street South, in the former Town of Waterdown, now City of Hamilton, as shown on Appendix “A” to Report PED12187.

Alternatives for Consideration – see Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

Financial: N/A.
Staffing: N/A.
Legal: N/A.

HISTORICAL BACKGROUND:

The subject site is located part way up the Waterdown Escarpment on the east limit of Mill Street South. Smokey Hollow Park and waterfall / visitor parking area are situated directly opposite this property.

Infrastructure Ontario (IO) has held this parcel since 1981. Improvements consist of two older houses of about 1,300 square feet and 726 square feet on an irregular lot with 86.1 feet of frontage. These dwellings are occupied by tenants and IO is not providing vacant possession upon conveyance. The existing residential use is considered to be the highest and best use of the site.

The subject property’s current zoning is “O1” – Open Space and the Official Plan designation is Hazard Land. Municipal water and sewers are at Mill Street. Of note, there is an easement over Part 4 at the entrance to the site, to provide shared access to the adjoining property at 183 Mill Street South, which is a large estate. Major storm, sanitary sewer and water lines border the south side of this property which lead to Flanders Drive to the east.

POLICY IMPLICATIONS:

An internal circulation has confirmed there is no municipal need for the subject property at this time. As no municipal need has been identified, Council’s direction is being
sought to allow staff to advise IO that the City of Hamilton has no interest in acquiring the parcel.

**RELEVANT CONSULTATION:**

Pursuant to the City of Hamilton Real Property Sale Procedural By-law 04-299, the Real Estate Section circulated the request to all City Departments. No municipal uses were identified for the subject property.

Please see Appendix “B” for the City’s requirements to the development of the site.

**ANALYSIS / RATIONALE FOR RECOMMENDATION:**

Approval of the recommendation by Committee and Council will authorize Real Estate staff to advise IO that the City of Hamilton has no interest in acquiring the surplus land at this time.

**ALTERNATIVES FOR CONSIDERATION:**

IO requires either a confirmation of interest or, in the alternative, a declination. In this instance, the City has no interest in acquiring the property at this time.

**CORPORATE STRATEGIC PLAN:**


**Intergovernmental Relationships**

- Maintain effective relationships with other public agencies.

**APPENDICES / SCHEDULES:**

Appendix “A” to Report PED12187 – Location Map
Appendix “B” to Report PED12187 – Site Requirements

JH/sd
Location Map

File Name/Number: 2012-070 + 2012-071
Date: Sept 11, 2012

Appendix "A" Scale: N.T.S. Planner/Technician: J/H AL

Subject Property

- Infrastructure Ontario (IO) surplus lands
- Project #312 - 193 Mill Street S., A leased, single family dwelling, 1,200 sq ft living on 0.56 acres. PIN# 17807-0177
- Project #333 - 191 Mill Street S., A leased, single family dwelling, 792 sq ft living on 0.42 acres. PIN# 17501-0177
- Project #334 - 8 Remwood Place, A leased, single family dwelling, 1,485 sq ft living on 1.335 acres. A large pond at the rear is used to control storm run-off. PIN# 17501-0176

Ward 15 Key Map N.T.S.
SITE REQUIREMENTS

Legislative Approvals Section:

“The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with the policy statement issued under the act. In reviewing the PPS, staff provides the following comments:

Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Staff note that the subject lands are located adjacent to ESA #10 – Grindstone Valley. As such, please refer to any comments provided by Community Planning, Natural Heritage Staff in this regard.

Further, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. Staff note that the subject lands are located within an area of archaeological potential. As such, please refer to any comments provided by Community Planning, Cultural Heritage Staff in this regard.

The subject lands are located within the Niagara Escarpment Plan area, and are within the area of Development Control. Therefore, please refer to any comments provided by the Niagara Escarpment Commission.

The subject lands are designated as “Escarpment Protection Area” under the Hamilton-Wentworth Regional Official Plan. Policy C-1.5.2 c) prescribes the various uses permitted within the Escarpment Protection Area.

The subject property is designated “Parks and Open Space”, with a small westerly portion designated “Hazard Lands”, in the Town of Flamborough Official Plan. The Official Plan identifies that the predominant use or function of lands designated “Parks and Open Space” is for recreational activities, conservation management and other open space uses. No details have been provided to establish the legal non-conforming status of the existing single detached dwellings on the subject property, which are located within the “Parks and Open Space” designation.

The underlying zoning of the subject property is Parkway Belt Open Space “O1” Zone in the Town of Flamborough Zoning By-law, however the subject property is within the Development Control Area of the NEC and therefore the zoning is inoperative.
For information purposes only, the properties are designated "Major Open Space" on Schedule "E" - Urban Structure and "Open Space" on Schedule "E-1" - Urban Land Use Designations in the new Urban Hamilton Official Plan, which is currently under appeal to the Ontario Municipal Board.

A portion of the subject property is within an area regulated by the Hamilton Conservation Authority (HCA). Comments from the HCA should be sought in this regard."

**Community Planning and Design Section:**

**Community Planning:**

- There are no approved Secondary or Neighbourhood Plans.

**Archaeology:**

The subject property meets six of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;

2) In an area of elevated topography;

3) In the vicinity of distinctive or unusual landforms;

4) Near source areas for subsistence resources;

5) In areas of pioneer EuroCanadian settlement; and,

6) Along historic transportation routes.

The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and any proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Tourism, Culture and Sport. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.
Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

**Natural Heritage:**

The subject properties are located within the Greenbelt Protected Countryside and within the boundaries of the Urban Hamilton Official Plan. Core Areas (significant woodland and Grindstone Valley Environmentally Significant Area (ESA)) have been identified within a portion of 191 Mill Street South. A portion of 191 Mill Street South has also been identified as being within Conservation Halton’s regulated area. Natural Heritage Planning staff recommends that Conservation Halton staff be contacted to ensure that this is the case if any future development is to occur on this property.

Both properties at 191 and 193 Mill Street South have been identified as being within the Niagara Escarpment “Escarpment Protection Area”. Natural Heritage Planning staff recommends that the Niagara Escarpment Commission be contacted if any future development is to occur on this property.

If new development or site alteration is to occur in the future on these properties, based on the principles of the Regional Official Plan, Urban Hamilton Official Plan and the Provincial Policy Statement, an Environmental Impact Statement (EIS) may be required to evaluate the Significant Woodland and Environmentally Significant Area to ensure that there would be no negative impact on these features or their functions.

Further to this, there are trees located within both properties. The City recognizes the importance of trees to the health and quality of life in a community (policy C.2.11). If future development or site alteration were to occur on this property, a Tree Protection Plan may be required to be completed to ensure that trees are protected from construction activities.

JH/sd