June 15, 2009

Dear Mayor and Council:

Re: Proposed Urban Official Plan

On behalf of the registered owners of 515 Miles Road East (the "Property"), I am writing to express objections to the proposed Urban Official Plan for the City of Hamilton. These objections include, but are not limited, to the following:

1. Lands in Elfrida and Upper Stoney Creek should not be designated for future urban boundary expansion.

The proposed Urban Official Plan designates lands in Elfrida and Upper Stoney Creek as the City of Hamilton's only Future Urban boundary expansion area. These same lands where included in the City of Hamilton's Rural Official Plan as Special Policy Area B Future Urban Growth Node. City Council will recall that the Province in its Notice of Decision, December 24th, 2008, section # 49, correctly stated that Special Policy Area B – Future Urban Growth Node was to be deleted in its entirety. In other words, the Elfrida and Upper Stoney Creek lands were improperly designated for future urban expansion. I should also add that the conclusion of the GRIDS Final Report was that an Urban Boundary Expansion was not warranted because of the available and projected unit supply within the existing urban area.
The Provincial Policy Statement also states that a full comprehensive review is necessary at the time an expansion is warranted. This, of course, means that a new Grids Study should be undertaken at that time.

2. If the City insists on designating future urban expansion lands then the Twenty Road East lands, which include the Property, are more appropriately designated for future urban expansion.

The City of Hamilton’s Planning and Development Department incorrectly identified the lands in the Twenty Road East Growth Option as Prime Agricultural lands instead of RURAL (NON-PRIME AGRICULTURAL) lands. The Province’s Policy Statements, guidelines, directives, plans and legislation mandate that municipalities must not develop prime agricultural lands in favour of non-prime agricultural lands. The City of Hamilton’s proposed preferred growth option nodes and corridors will be built on a large contiguous tract of prime agricultural lands and the Twenty Road East non-prime agricultural lands will not be developed at all. Instead of following the Provincial mandate to preserve prime agricultural lands, the proposed Urban Official Plan proposes to develop them before developing a non-prime agricultural area.

The Twenty Road East lands are also better suited for urban expansion. In addition to benefitting from existing infrastructure, Hamilton’s future employment lands are located in Mount Hope and Ancaster. Instead of developing lands adjacent to these future employment lands, the proposed Urban Official Plan, by adopting the Grids Growth Strategy, designates the inferior and less suited Elfrida and Upper Stoney Creek lands. The Twenty Road East lands are perfectly positioned for urban growth between the future Airport Employment Lands and the North Glanbrook Industrial Business Park.

3. The Grids Growth Study, upon which the proposed Urban Official Plan relies, improperly favoured Elfrida and Upper Stoney Creek lands for future urban expansion over the Twenty Road East lands without properly assessing the Twenty Road East lands.

The Planning Department should have taken the lands of Pleasantview out of the Twenty Road East Growth Option and considered these lands on their own merits. This is just one of the flaws of the Grids Study. Additional flaws have been well documented by others objecting to the proposed Urban Official Plan.
In light of the above, I request that City Council and staff remove the designation of the Elfrida and Upper Stoney Creek lands as areas for future urban expansion. Any such designation is premature, is not in keeping with proper planning principles and has been unfairly determined at the expense of lands more suitably designated.

Yours truly,

[Signature]

Anthony Capuccinello

c. Victor Doyle, Ministry of Municipal Affairs and Housing