TO: Chair and Members
   Economic Development and Planning Committee
WARD(S) AFFECTED: WARD 15

COMMITTEE DATE: March 23, 2010

SUBJECT/REPORT NO:
Proposed Official Plan Amendments and Zoning By-law Amendment Affecting Lands
Located at 497 Millgrove Side Road and Part of 533 Millgrove Side Road (Flamborough) (PED10045) (Ward 15)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Cam Thomas
905-546-2424, Ext. 4229

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-09-005, by the Canadian Reformed School Society of Flamborough Incorporated, Owner**, for Official Plan Amendment No. ____, to amend the Official Plan for the former Town of Flamborough, to establish a Site-Specific Area to permit the expansion of an institutional use to 3.25 hectares in the Agricultural designation to provide improved servicing sustainability for the institutional use, whereas the maximum permitted land area is 2.0 hectares, for lands located at 497 Millgrove Side Road and part of 533 Millgrove Side Road (Flamborough), as shown on Appendix “A” of Report PED10045, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10045, be adopted by Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, conforms to the Greenbelt Plan, and conforms to the former Region of Hamilton-Wentworth Official Plan;

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(b) That approval be given to **Official Plan Amendment Application OPA-09-005, by the Canadian Reformed School Society of Flamborough Incorporated, Owner**, for Official Plan Amendment No. _____, to amend the Rural Hamilton Official Plan to establish a Site-Specific Area to permit an institutional use to expand its lot area to 3.25 hectares in the Agricultural designation through a lot addition to allow for improved servicing sustainability, for lands located at 497 Millgrove Side Road and part of 533 Millgrove Side Road (Flamborough), as shown on Appendix “A” of Report PED10045, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10045, be adopted by Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan, and conforms to the former Region of Hamilton-Wentworth Official Plan;

(c) That approval be given to **Amended Zoning Application ZAC-09-023, by the Canadian Reformed School Society of Flamborough Incorporated, Owner**, for changes in zoning from the Agricultural “A” Zone and the Site-Specific Institutional “I-1” Zone to the Site-Specific Institutional “I-11” Zone, with a Special Exception (Block “4”), the Site-Specific Institutional “I-11(H)” Holding Zone, with a Special Exception and Holding Provision (Blocks “2” and “3”), and the Site-Specific Conservation Management “CM-5” Zone, with a Special Exception (Block “4”), for lands located at 497 Millgrove Side Road and part of 533 Millgrove Side Road, as shown on Schedule “A” of Appendix “D” to Report PED10045, on the following basis:

(i) That the Draft By-law, attached as Appendix “D” to Report PED10045, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) That the amending By-law be added to Schedule A11 of Zoning By-law No. 90-145-Z;

(iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan; and,

(iv) That the proposed changes in Zoning will be in conformity with the Town of Flamborough Official Plan upon approval of Official Plan Amendment No. _____, and the Rural Hamilton Official Plan upon approval of OPA No. _____.
EXECUTIVE SUMMARY

The purpose of these applications is for amendments to the Flamborough Official Plan and Zoning By-law to permit the lot area for the Covenant Christian School, located at 497 Millgrove Side Road, to be increased from 1.21 hectares to 3.25 hectares. The proposed expansion is required for improved servicing of the school. The school is on private services, and the proposal would allow for the development of a reserve bed for the school’s septic system. At present, the school is not a sustainable use as it does not have sufficient area for the provision of a reserve bed. The applicant has advised that their long-term plan is to redevelop the site to build a new school, with improved facilities including a gymnasium and sports field, but there are no short or medium term plans to rebuild the school. An amendment to the Rural Hamilton Official Plan is also required to permit a future severance application and use of additional land for a septic bed and open space uses.

The proposal has merit and can be supported, as the proposed amendments are consistent with the Provincial Policy Statement and Greenbelt Plan and conform to the Hamilton-Wentworth Official Plan. The proposal would be compatible with and complementary to the existing development in the surrounding agricultural area.

Alternatives for Consideration - See Page 18.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Official Plan Amendment and a Zoning By-law Amendment. MMAH staff has advised that an Amendment to the Rural Hamilton Official Plan should also be adopted, notwithstanding that the Rural Hamilton Official Plan is presently before the OMB for approval.

HISTORICAL BACKGROUND

The Covenant Christian School is a private Christian elementary school which has been owned by the Canadian Reformed School Society of Flamborough Incorporated since 1987. The school has an enrolment of 114 students, from Kindergarten to Grade 8, with a staffing complement of 5 teachers and 3 part-time teachers. The existing school building was constructed around 1950, and was previously used as a public school.
(Bowman Public School). The school presently does not have a gymnasium or outdoor sports field and has required the use of off-site facilities for recreation and sports. There are 4 classrooms within the existing building and 2 portable classrooms on site.

The applicant is proposing to expand the 1.21 hectare campus of the Covenant Christian School by acquiring additional lands comprising 2.04 hectares on both sides of the adjacent property located at 533 Millgrove Side Road (see Appendix “A”). The proposed lands are intended to be added to the school site by a conveyance, and are located primarily to the south, and also include a narrow 2m wide strip of land adjacent to the rear property line and a 25.1m wide portion, comprising 0.4 ha., adjacent to the northerly property line. The southerly portion of the subject lands are traversed diagonally by a 20m wide hydro easement, which includes a hydro tower near the front of the site. An intermittent watercourse, which provides a drainage function for adjacent lands and outlets to the ditch along Millgrove Side Road, is also located along the westerly and southerly portions of the property.

There are constraints on the southerly portion of the lands (a watercourse and associated buffering requirements by the Hamilton Conservation Authority, and the application of the Minimum Distance Separation (MDS)) arc. As approximately 0.4 ha of the expansion lands would be unusable for development, the lands abutting the northerly property line of the school were extended northward to 25.1 metres from 10 metres to enable the property to be better utilized for school uses.

**Official Plan Amendment OPA-09-005**

Both the existing school site and the adjacent lands are designated “Agricultural” in the Flamborough Official Plan. Small scale institutional uses are permitted subject to a maximum land area of 2.0 hectares (Policy B.2.3.(iv)). An Official Plan Amendment is required in order to permit the land area for an institutional use to be increased from 2.0 hectares to 3.25 hectares.

A modification is also required to the new Rural Hamilton Official Plan (Council approved) to permit a non-agricultural use to expand on lands within the “Agriculture” designation (Appendix “C”).

**Zoning By-law Amendment ZAC-09-023**

The proposed expansion of the school is intended to provide improved and sustainable site servicing and any future expansion of the existing school use. The proposed Zoning By-law Amendment is required to change the zoning of the lands to be acquired for the proposed expansion from the Agricultural “A” Zone to a Site-Specific Institutional “I” Zone. Through the review process, it was also identified that a portion of the lands which are to be rezoned from the Agricultural “A” Zone to a Site-Specific Conservation
Management “CM” Zone are not developable due to MDS (Minimum Distance Separation) requirements and environmental constraints. The applicant has amended the application to rezone a portion of the lands to a “CM” Zone

**Details of Submitted Application**

**Owner:**
497 Millgrove Side Road - Canadian Reformed School Society of Flamborough.
533 Millgrove Side Road - Domsons Investments Ltd.

**Location:**
497 Millgrove Side Road (Covenant Christian School) and Part of 533 Millgrove Side Road (Lands for School Expansion).
(See Appendix “A”)

**Property Size:**
- **Frontage:**
  - Lands south of Existing School - 99.32 metres.
  - Lands north of Existing School - 25.1 metres.
  - Existing School - 83.82 metres.
  - Total - 208.24 metres.
- **Depth:** 146.05 metres.
- **Area:**
  - Existing School - 1.21 hectares.
  - Expansion Lands - 2.04 hectares.
  - Total Proposed School Lands - 3.25 hectares.

**EXISTING LAND USE AND ZONING:**

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<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Private School at 497 Millgrove Side Road</td>
<td>Site-Specific Institutional “I-1” Zone (Existing School)</td>
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<tr>
<td>Agriculture on portion of 533 Millgrove Side Road</td>
<td>Agriculture “A” Zone</td>
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**Surrounding Lands:**

| North | Agriculture, Greenhouses and Dutch Mill Gift Shop/Tearoom | Agriculture “A” Zone |

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POLICY IMPLICATIONS

The following Provincial and local policy documents were examined in the review of these applications.

**Provincial Policy Statement**

Lot creation is generally discouraged in prime agricultural areas. However, Policy 2.3.4.2 states that lot adjustments in Prime Agricultural areas may be permitted for legal or technical reasons. The PPS defines Legal or Technical reasons as severances for the purposes of easements, correction of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. In this regard, the proposed amendments are considered to be a type of minor boundary adjustment which is necessary for the proper functioning of the school on private services, through the provision of a reserve bed, in the event that the primary septic system should fail.

Policy 2.6.2 states 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. To address this area of provincial concern, the applicant has submitted a Stage 1 Archaeological Assessment for the lands located south of the school. The recommendations of the Stage 1 Study are to undertake a Stage 2 assessment in advance of any proposed alteration of the landscape. The narrow section of lands abutting the westerly and northerly boundaries of the school were added through the review process, and would require both Stage 1 and 2 Archaeological Assessments. The archaeological requirements will be addressed through the use of a Holding (‘H’) provision in the amending Zoning By-law.

Policy 2.3.3.3 requires compliance with the Minimum Distance Separation formulae with respect to livestock operations for the expanded school site.
MDS 1 calculations are required for livestock operations which are located within 2,000 metres of a Type 2 (sensitive) land use such as a school. The purpose of the requirement is to establish suitable distances between livestock facilities and sensitive uses in order to minimize complaints due to odour, thereby reducing the potential for land use conflicts. It was determined that a small livestock operation, consisting of 30 beef cattle, is located within 2,000 metres of the school site at the property known municipally as 294 Highway 5.

Implementation Guideline 12 recognizes that where there are 4 or more non-farm uses in proximity to the livestock operation, the MDS1 formulae requirement would not apply, and that the use would not be permitted to be closer than the other non-farm uses. It was determined that for the subject proposal, it would be necessary to maintain a distance separation through site-specific zoning regulations of 246 metres between the existing livestock barn and the proposed use of the subject lands for the expanded school site (see Appendix “G”).

Therefore, based on the foregoing, the proposal conforms to the general intent of the PPS.

**Greenbelt Plan**

The subject property is designated “Protected Countryside - Prime Agricultural Area” under the Greenbelt Plan. Policy 3.1.3.1 states that normal farm practices and a full range of agricultural, agricultural-related, and secondary uses are supported and permitted. Policy 3.1.3.3 permits other uses subject to the general policies of Sections 4.2 to 4.6.

In particular, Policy 4.5.3 states that outside of settlement areas, expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with the Plan, are permitted subject to a demonstration of the following:

(a) Notwithstanding Section 4.2.2.6, new municipal services are not required; and,

(b) The use does not expand into key natural heritage features and key hydrologic features unless there is no alternative, in which case, any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

With respect to 4.5.3 a) above, the existing school would continue to be on private services, which would be upgraded to provide improved servicing. The existing 1.21 hectare site is of insufficient size to support the school because it does not provide an area for a reserve bed if the septic system should fail. The additional 2.04 hectare
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lands proposed for the expansion of the site would allow for the development of a reserve bed to offer improved support of the school on private services and improved sustainability for the continuation of the use.

With respect to 4.5.3 b), it has been noted that the subject lands contain a minor watercourse, which flows from the northwest through a portion of the site, and outlets onto the existing drainage ditch along Millgrove Side Road. The watercourse is active only during periods of high runoff and functions primarily in the manner of a swale. The proposed site expansion may require that a section of this watercourse, approximately 112 metres in length, be realigned to accommodate a future outdoor sports field. The realignment of this feature was examined by the Hamilton Conservation Authority and was found to be acceptable. The Conservation Authority has also determined that the ecological component of this feature could be examined further at the site plan approval stage.

In addition, Policy 4.6.2 c) would allow lot creation for minor lot adjustments or boundary additions provided they do not create a separate lot for a residential dwelling in specialty crop or prime agricultural areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

Policy 4.2.1.2 requires new or expanding infrastructure to avoid key natural heritage features or key hydrologic features unless need has been demonstrated, and it has been established, that there is no reasonable alternative. The provision of an improved septic system for the school would not interfere with the existing key hydrological feature.

Policy 4.2.2.1 requires that proposals within the Protected Countryside shall demonstrate that:

(a) Sewage and water servicing can be provided in a manner that does not negatively impact ecological features and functions, quality and quantity of ground and surface water, including stream baseflow is sufficient to accommodate the proposed use(s);

(b) Applicable recommendation, standards, or targets within watershed plans and water budgets are reflected; and,

(c) Any sewage and water servicing installation is planned, designed, and constructed to minimize surface and groundwater disruption.

Respecting Item a), the development of new private services for the school would not impact the existing watercourse on the subject property. The existing watercourse
would require a realignment along a 112m portion of the channel to accommodate a future sports field.

Respecting Item b), the realignment of the watercourse was examined by the Hamilton Conservation Authority, and was found to be acceptable with the provision of a 15m buffer to address regional floodline requirements for buffers.

Respecting Item c), the applicant’s hydrogeological study has determined that the proposed additional lands would allow for the improved use of the site on private services by providing an area for a reserve bed, which is currently not in place.

Therefore, based on the foregoing the proposal conforms to the general intent of the Greenbelt Plan.

**Hamilton Wentworth Official Plan**

The lands are designated “Rural Area- Prime Agricultural” in the Hamilton-Wentworth Official Plan (HWOP).

It is recognized in Section 3.2.2 of the HWOP that it may be desirable or necessary to locate certain municipal and institutional uses in rural areas where they can best serve the rural community. The Plan directs that these uses should be directed to Rural Settlement Areas, when possible, not take prime agricultural lands out of production, or interfere with farming operations, and must comply with municipal Official Plan policies. In light of this direction, the proposal concerns an existing situation in which it is recognized that not all institutional uses are located within rural settlement areas.

Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites. As the recommendations of the Stage 1 Assessment call for a further Stage 2 Assessment, this requirement would need to be addressed through a Holding Provision in the Amending By-law. As well, a portion of the lands would also require a Stage 1 Assessment.

Policy C.3.2.2 requires compliance with the Minimum Distance Separation (MDS) formulae to ensure that the use is properly located in terms of existing livestock operations. As noted, the MDS analysis identified that the proposed lands to be added to the school would need to maintain a separation distance of 246 metres from an existing beef livestock operation at 294 Highway 5 (Appendix “G”). As a result of the MDS application, a portion of the property which falls within the MDS arc would not be able to be developed or used for buildings or play fields associated with the school.

Based on the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan.
Flamborough Official Plan

The subject lands are designated “Agricultural” in the Flamborough Official Plan.

In addition to the primary agricultural and agricultural-related uses permitted in Policy B.2.1, Policy B.2.3 iv) permits small-scale institutional uses (maximum land area of 2.0 hectares) which cater to the agricultural community.

As the proposed expansion would result in the Covenant Christian School site having an overall land area of 3.25 ha., an Official Plan Amendment is required.

Policy B.2.11 permits a severance for technical or legal reasons such as minor property boundary adjustments or rights-of-way. As the proposal is necessary for the proper functioning of the school on private services, the required additional land area is considered a type of technical adjustment in accordance with the direction of Policy B.2.11. The term “minor” in regard to the size of lands being adjusted through a severance is not defined. However, in recognition that the current lot area is of insufficient size to sustain the existing use, and additional lands are intended for long-term sustainable servicing purposes and would not impact other uses, the proposal is considered to be consistent with the general intent of the Flamborough Official Plan.

New City of Hamilton Rural Official Plan (Council Approved)

The subject lands are designated “Agriculture” in the City of Hamilton Rural Official Plan. Policy 2.1 states that in the “Agriculture” designation the uses are limited to agricultural uses, agricultural-related commercial uses, and agricultural-related industrial uses. By definition, the above-noted uses do not include small-scale institutional uses such as schools.

Policy 2.2.1 of the new Rural Official Plan does not allow for the development of non-agricultural uses, such as schools in the “Agriculture” designation, as the range of permitted uses is limited to agriculture, agricultural-related commercial, agricultural-related industrial uses, and on-farm secondary uses.

As this is an existing use rather than a new use, other policies from the Rural Official Plan would also merit consideration.

Policy 5.1 directs that all new rural development shall establish and maintain, in perpetuity, sustainable private services wherever municipal water and/or wastewater are not available. Sustainable private services for sewage disposal, based on the City’s definition, would exclude holding tanks and include systems that would be covered under the Ontario Building Code Act or which require MOE approval. In accordance
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with Policy 5.1.3b), sustainable private services would allow for a reserve discharge site or leaching bed for effluent absorption in the event that the primary system were to fail.

It has been determined, through the applicant’s hydrogeological study, that the current septic system is not sustainable for the existing school because the lot is deficient in terms of its size for development on private services. However, the proposed increased lot area would offer improved servicing opportunities to accommodate a reserve bed which is consistent with the intent of this policy direction.

In addition, Policy 1.13.2.6 directs that minor lot line adjustments shall be permitted provided a separate lot is not created for a dwelling or any other non-farm use, there is no increased fragmentation of a key natural heritage feature or key hydrologic feature, and the adjustments do not conflict with the intent of the policies of this Plan.

The proposed lot adjustment would enable the school to function properly on private services, and to enable a new septic system, with a reserve bed, to be installed for the school. As noted in the Greenbelt Policy Section, the lot adjustment would not result in the fragmentation of existing key natural heritage features, but rather a realignment along a portion of the watercourse, which is not related to private servicing.

The proposed lot line adjustments would result in the removal of 2.04 hectares of land from agricultural use. It is noted that the existing farm is a relatively small operation (15.78 hectares), of which less than half of this area is rented to another farm for grain production (i.e. winter wheat and corn), and that the majority of the lands south of the school have also remained fallow for several years due to constraints such as the hydro corridor, uneven topography, and the existing watercourse.

The proposal, therefore, would meet the general policy direction and intent of the City of Hamilton Rural Official Plan in terms of the consideration of appropriate lot line adjustments and sustainable servicing. The proposed Amendment to the Hamilton Rural Official Plan would be required to address the expansion of the school site to a maximum land area of 3.25 hectares through a lot addition to allow for improved servicing sustainability for the Institutional use, as such uses are not permitted in the “Agriculture” designation.

Due to the proximity of the expanded school to an existing livestock operation, the MDS requirements would be applicable.

PUBLIC CONSULTATION

In accordance with Council’s Public Participation Policy, the applications were pre-circulated to all property owners within 120 metres, and a sign was posted on the site. A total of 19 notices were circulated. There were no letters submitted from the public.

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Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

**RELEVANT CONSULTATION**

The following internal departments and external agencies had no concerns or objections to the proposed applications:

- Forestry and Horticulture.
- Recreation Division, Community Services Department.

**Ministry of Municipal Affairs**

The Ministry of Municipal Affairs has advised that the Greenbelt Plan permits minor lot adjustments or boundary additions in Section 4.6.2, subject to certain criteria. The City needs to determine whether the proposal can be deemed to be a minor lot adjustment.

As the Greenbelt Plan does not define "minor", the City’s assessment should determine that if the proposal is to be considered as a Section 4.6c) lot addition, it will not result in:

- A lot adjustment that increases the fragmentation of a key natural heritage or key hydrological feature;
- A separate lot for a residential dwelling;
- A school facility that will create conflicts with adjacent farm operations; or,
- A development that would cause the surrounding lands to lose their viability.

The Ministry has advised that the City also needs to be satisfied that the proposed land area that is to be conveyed has suitable site conditions to support the proposed septic system and is necessary to correct the non-conforming situation at 497 Millgrove Side Road. (Please refer to Analysis/Rationale Section of this report).

**Ministry of Transportation**

The Ministry has advised that Building and Land Use permits will be required for all buildings within 180 metres of the Highway 5 and Millgrove Side Road intersection. Sign permits may also be required.
The Ministry will require a detailed storm water management plan and report for review and approval at the Site Plan Approval stage, to indicate the intended treatment of the calculated runoff and impacts on the Highway 5 Right-of-Way.

**Hamilton Conservation Authority**

The Hamilton Conservation Authority has advised that the proposed realignment of the existing watercourse would require a permit for the alteration of a watercourse. The permit would need to evaluate impacts on the ecological functions of the watercourse, maintenance of the natural topography of the watercourse system, upstream and downstream, impacts on groundwater features, recharge and discharge, geotechnical issues and erosion and sediment control.

The applicant has demonstrated through a stormwater management report that the realigned watercourse channel will be within the Regional Storm floodplain. However a 15 metre buffer is required on either side of the realigned watercourse for fish habitat protection and enhancement purposes. The buffer areas will also be required to be zoned for Conservation Management or Open Space to restrict development. A detailed landscape plan for the buffers, stormwater management plan, site grading and erosion and sediment control drawings would be required for review of the Site Plan and Permit application.

**Hydro One Networks**

The encroachment of a sports field on the existing Hydro 1 Easement would require the approval of an Encroachment Agreement for the intended use. Note - The provision of additional lands to the north would enable the siting of a future sports field on the southerly portion of the lands without impacting the Hydro 1 Easement. This matter would be addressed as part of the Site Plan Approval process.

**Public Health Services**

Public Health Services has provided comments with respect to the following:

1. **Wells and Drinking Water:**

   As the school is a designated facility under the Safe Water Act, the MOE is the primary regulatory agency.

   Note - There have been no issues identified with respect to the quality of drinking water.
2. **Sewage Disposal:**

The review of the applicant’s hydrogeological report by the Source Water Protection Section (Public Works) is to ensure that the property is of sufficient size to accommodate private servicing. The City’s Building Services Division will address approvals under the Ontario Building Code for private on-site sewage disposal systems.

3. **Food Services:**

Should food services be considered for the students (i.e. breakfast program, cafeteria), a floor plan should be provided to Public Health Services to show any food service area prior to the commencement of any construction.

4. **Hydro Corridor:**

A hydro corridor diagonally traverses the subject lands, and it appears that the sports field will be located adjacent to the Hydro Corridor (Hydro 1 Easement). While at this time Hamilton Public Health does not have a specific policy with respect to exposure to electro-magnetic fields (EMFs), and evidence does not suggest that levels normally found in Canadian living and working environments are harmful, it has been noted that the City of Toronto has recently adopted a policy of prudent avoidance to minimize EMF exposures for young children.

**Infrastructure and Source Water Planning**

The Infrastructure and Source Water Planning Section has advised that the proposed overall lot area of 3.25 hectares is capable of supporting the existing school based on the current enrolment size of 100 students and 8 teachers. On this basis, the daily effluent volumes should not exceed 4,750 litres per day to ensure sustainable services for the school use on the expanded site.

**Note** - The recently approved MOE Design Guidelines for Sewage Works does not take into account the seasonal use of schools in the evaluation of daily effluent flows. If the operation intends to expand within this currently proposed parcel of land, the total actual effluent flows should not exceed 4750L/Day. The Ontario Building Code tables may be used to determine the effluent flow for evaluation, or if these volumes are considered unrepresentative, a monitoring program could be established (in consultation with the City of Hamilton) to quantify existing actual flows.
ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:

   (i) It is consistent with the general intent of the Green Belt Plan and the Provincial Policy Statement.

   (ii) It conforms with the general intent of the policies of the Hamilton-Wentworth Official Plan, which supports lot line adjustments for technical reasons such as improvements to the provision of private services.

   (iii) It conforms to the new Hamilton Rural Official Plan with respect to establishing sustainable private services for existing uses, and in allowing for minor lot line adjustments.

2. The applicant has advised that it is their long term plan to redevelop the site to construct a new school building to provide for updated facilities, including a gymnasium. Site Plan Approval would be required for the development of a new school on the subject lands. The development of a new outdoor sports field would also require Site Plan Approval because there would be no Building Permit required, and this would be the only way to ensure that the development occurs in a co-ordinated and orderly manner. As noted, the constraints on the site imposed by the creation of Conservation Management “CM” Zoning to address MDS requirements and an open space buffer, as well as the location of the existing hydro corridor and transmission tower, have been taken into account for the siting of a future outdoor sports field.

   The development of a new school and/ or sports field would require the review of plans to address grading and drainage issues, storm water management, landscaping and parking, to the satisfaction of the City and the Hamilton Conservation Authority. Site Plan Approval would also require the approval of a permit from the Hamilton Conservation Authority to allow for the realignment of the watercourse on the property. The approval of plans to address the buffers adjacent to the watercourse would also be required by the Hamilton Conservation Authority.

   In the event that the proposed site plan for the school should include an expansion of the existing enrolment, further hydrogeological studies would be required for review as a condition of site approval to determine the extent to which the school size may be increased.
3. Notwithstanding the applicant’s long term redevelopment plans, the purpose of the applications is to ensure that sufficient lands are available to provide for sustainable private services. The proposal conforms to the Provincial Policy Statement, which permits lot adjustments for technical reasons such as improved site servicing. The proposed expansion of the school site would permit the school to have a reserve bed for its septic system, which is currently not provided on the site.

The proposal would satisfy the Provincial MDS requirement to ensure appropriate distance between livestock operations and sensitive uses. In particular, it has been determined that the MDS would apply to a portion of the subject lands due to the proximity of the site to a small beef operation located at 294 Highway 5. The provision of the MDS Arc to the north-westerly portion of the subject lands, as shown on Appendix "G", would require that these lands not be used for buildings or active recreational uses such as a sports field.

Further, the archaeological requirements could be addressed through further review, subject to a Holding (‘H’) provision, which could be undertaken in conjunction with Site Plan Approval.

4. The proposal would meet the intent of the Greenbelt Plan, which permits lot creation for minor lot adjustments or boundary additions. More specifically, the proposed expansion would be considered to be a suitable lot addition under Section 4.6c).

In this regard, the proposal would not:

• Increase the fragmentation or negatively impact a key hydrological feature;
• Result in the creation of a separate lot for a residential dwelling;
• Create conflicts with adjacent farm operations; and,
• Cause the surrounding agricultural lands to lose their viability.

In addition, the proposed expansion would provide suitable site conditions that are necessary for the improved sustainability of the school on private services by permitting the development of a reserve bed for septic effluent, and it would improve the current situation of operating a rural school on an undersized site. As the Greenbelt Plan supports the provision of new or expanded infrastructure for uses which support the rural economy, the proposal is considered to meet the intent of this policy requirement.

5. The proposal conforms to the Hamilton-Wentworth Official Plan, which recognizes in Policy 3.2.2 that certain non-farm rural uses may need to be located outside of Rural Settlement Areas. As noted, in this report, the Covenant
Christian School primarily serves the rural community. The proposal also conforms with respect to Policy 8.1.2, which permits severances to correct previous conveyances, such as in the creation of undersized lots, provided new building lots are not created.

6. The proposal conforms to the policy direction of the new Hamilton Rural Official Plan with respect to establishing sustainable private services for existing uses and in allowing for minor lot line adjustments which do not create separate lots. Staff would contend that the lands required for the proposed expansion of the school would fall within the framework of a "minor" lot line adjustment because of the larger lot area requirements to support a school on private services. As noted, a modification to the Rural Official Plan is required by the Ministry of Municipal Affairs, as the Rural Official Plan is pending OMB approval, in order to permit a future severance application and the use of additional land by the school for servicing (i.e. default septic bed) and open space uses.

7. In terms of the Flamborough Official Plan and the proposed Official Plan Amendment, the proposal would meet the intent of Policy B.2.3(iv) to require that small-scale institutional uses, such as schools in the Agricultural designation, serve the rural community. The school currently accommodates 100 students, and the intended long term future enrolment is 200 students, which is consistent with other private rural schools in Flamborough, and considered to be within the range of a "small-scale" Institutional use. Further hydrogeological testing would be required, at the Site Plan Approval stage to determine the appropriate increase in enrolment for the school.

As the proposed increase is relatively close to the 2 hectare requirement, and since the school serves the rural community and the additional lands are required for proper site servicing, the proposed expansion is considered to be reasonable for the continuation of the use given current Greenbelt policies. In addition, the allowance of rural schools to accommodate lands for outdoor recreational facilities is further recognized as an important consideration in the growth and sustainability of the school.

8. The applicant has demonstrated, to the satisfaction of the City, through a hydrogeological study, that the site area is required to be a minimum of 3.25 hectares to support the Covenant Christian School on private services. If the operation intends to expand within the proposed parcel of land, the total actual effluent flows should not exceed 4750L/Day. The Ontario Building Code tables may be used to determine the effluent flow for evaluation, or if these volumes are considered unrepresentative, a monitoring program could be established (in consultation with the City of Hamilton) to quantify existing actual flows.
9. In the amending Zoning, staff is recommending that the existing school be rezoned from the Institutional “I-1” Zone to a new Site-Specific Institutional “I” Zone, to be known as the “I-11” Zone (Block “1” on Schedule “A” of Appendix “D”). The additional lands for the school that are to be conveyed, which are outside of the MDS arc and the required 15 metre wide conservation/open space buffer adjacent to the realigned watercourse, would be placed in the same Site-Specific Institutional “I-11” Zone, but with a Holding (‘H’) provision (Blocks “2” and “3” on Schedule “A” of Appendix “D”). The Holding provision would also include the added lands on the north side of the existing school, and this would continue to be applied until the required archaeological studies have been completed.

It is recommended that the Site-Specific Institutional “I-11” Zone be modified to permit only a private school. In addition, a regulation would be included to require the maximum lot area to not exceed 2.85 hectares.

It is further recommended that a Site-Specific Conservation Management “CM” Zone be applied to the portion of the subject lands that are within the MDS arc, as well as the lands required for the 15 metre wide buffer adjacent to the watercourse, as no development would be permitted within this area (shown as Block “4” on Schedule “A” of Appendix “D”). The lands in this zone would also be limited to conservation uses, passive recreation, and agriculture in order to discourage human activity in this area resulting from the MDS requirements.

10. If the proposed Zoning By-law Amendment and Official Plan Amendment are approved, the applicant would then be able to make application to the Committee of Adjustment for the proposed conveyance of the 2.04 hectares of the abutting lands for the school.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the existing 1.21 hectare school property could continue to be used for a private school or any of the other uses permitted in the Institutional “I” Zone under Section 22.1 of the Flamborough Zoning By-law.

The lands intended to be added to the school, which are now part of 533 Millgrove Side Road, would continue to be used for uses which are permitted in the Agricultural “A” Zone under Section 33.1 of the Flamborough Zoning By-law.
CORPORATE STRATEGIC PLAN


Social Development
- People participate in all aspects of community life without barriers or stigma.
- Residents in need have access to adequate support services.

Environmental Stewardship
- Aspiring to the highest environmental standards.
- Natural resources are protected and enhanced.

Healthy Community
- Plan and manage the built environment.

APPENDICES / SCHEDULES

Appendix “A” - Location Map.
Appendix “B” - Draft Official Plan Amendment (Flamborough Official Plan).
Appendix “C” - Draft Official Plan Amendment (Rural Hamilton Official Plan).
Appendix “D” - Draft Zoning By-law Amendment.
Appendix “E” - Proposed Development Concept for School.
Appendix “F” - Plan Showing Existing School.
Appendix “G” - Map Showing MDS Arc.

:CT
Attaches. (7)
Amendment No. ___

to the

Official Plan of the Former Town of Flamborough

The following text together with Schedule “A” - Rural Land Use Plan attached hereto, constitutes Official Plan Amendment No. ____ to the Official Plan of the former Town of Flamborough.

Purpose:

The purpose of this Amendment is to amend the Flamborough Official Plan in order to permit a small scale institutional use to have an overall land area of 3.25 hectares in the Agriculture designation, whereas the maximum area permitted is 2.0 hectares. Specifically, the Amendment would permit the Covenant Christian School to acquire additional lands to allow for sustainable servicing.

Location:

The Covenant Christian School lands are currently known municipally as 497 Millgrove Side Road and occupy 1.21 hectares. The additional lands subject to the lot addition are 2.04 hectares, which are currently part of the lands known municipally as 533 Millgrove Side Road.

Basis:

The basis for permitting the proposal is as follows:

- The amendment conforms to the Greenbelt Plan.
- The amendment is consistent with the Provincial Policy Statement.
• The proposal conforms to the former Region of Hamilton-Wentworth Official Plan, and is consistent with the intent of the Flamborough Official Plan.

• The proposal is compatible with the existing development of the Agricultural area west of Clappison’s Corners.

• The amendment will allow for the provision of upgraded private services necessary for the improved sustainability of the school which serves the rural community.

**Actual Changes:**

**Schedule Changes:**

1. Schedule B, Rural Land Use Plan, be revised by adding the annotation of OPA No. [blank], to identify lands as Site-Specific Area No. [blank], as shown on the attached Schedule “A” of this amendment.

**Text Changes:**

2. The following new Policy B.2.12. [blank] shall be added to Section B.2.12, Agriculture - Site-Specific Areas:

   B.2.12.X Notwithstanding Policy B.2.3 iv), the lands shown on Schedule ‘B’ as Agriculture - Site-Specific Area No. [blank], shall be permitted to expand to a maximum land area of 3.25 hectares through a lot addition to allow for improved servicing sustainability for the Institutional use.

**Implementation:**

A Zoning By-law Amendment and Site Plan Agreement will give effect to this Amendment.

This is Schedule "1" to By-law No. [blank], passed on the [blank] day of [blank], 2010.

**The City of Hamilton**

__________________________  __________________________
Fred Eisenberger       Kevin C. Christenson
Mayor                    Clerk
Amendment No. __

to the

Rural Hamilton Official Plan

The following text together with Schedule “A” - Volume 3: Appendix A – Site-Specific Key Map attached hereto, constitutes Official Plan Amendment No. _____ to the Rural Hamilton Official Plan.

Purpose:

The purpose of this Amendment is to establish a Site-Specific Area to permit a small scale institutional use to expand to a land area of 3.25 hectares in the Agriculture designation through a lot addition to allow for more sustainable servicing.

Location:

The Covenant Christian School lands are currently known municipally as 497 Millgrove Side Road and occupy 1.21 hectares. The additional lands subject to the lot addition are 2.04 hectares, which are currently part of the lands known municipally as 533 Millgrove Side Road.

Basis:

The basis for permitting the proposal is as follows:

- The amendment conforms to the Greenbelt Plan.
- The amendment is consistent with the Provincial Policy Statement.
- The proposal is compatible with the existing development of the Agricultural area west of Clappison’s Corners.
- The amendment will allow for the provision of upgraded private services necessary for improved sustainability of the school which serves the rural community.
Actual Changes:

Schedule Changes:

1. Volume 3: Appendix A - Site-Specific Key Map is revised by identifying the subject lands as subject to Site-Specific Area R-____, as shown on the attached Schedule “A” of this amendment.

Text Changes:

2. The following new policy R-____ shall be added to Volume 3, Chapter B - Rural Site-Specific Areas:

R-____ Lands known municipally as 497 Millgrove Side Road, former Town of Flamborough

1.0 Notwithstanding Section D.2.0, Agriculture Designation of this Plan, the lands currently known as 497 and part of 533 Millgrove Side Road, shall be permitted a lot addition to expand to a maximum land area of 3.25 hectares to allow for improved servicing sustainability for the Institutional use. Upon completion of the lot addition, the lands will be known as 497 Millgrove Side Road.
Implementation:

A Zoning By-law Amendment and Site Plan Agreement will give effect to this Amendment.

This is Schedule "1" to By-law No. [redacted], passed on the [redacted] day of [redacted], 2010.

The City of Hamilton

_______________________                               __________________________
Fred Eisenberger      Kevin C. Christenson
Mayor        Clerk
CITY OF HAMILTON

BY-LAW NO. ___

To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended Respecting lands located at 497 Millgrove Side Road and Part of 533 Millgrove Side Road

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C., did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Town of Flamborough” and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report 10-____ of the Economic Development and Planning Committee, at its meeting held on the ____ day of ______, 2010, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

AND WHEREAS the By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough) upon approval of Official Plan Amendment No. ____ proposed by the City of Hamilton but not yet approved in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “A-11” of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended as follows:

   (a) by changing from the Site-Specific Institutional “I-1” Zone to the Site-Specific Institutional “I-11” Zone, the lands comprised of Block “1”;

   (b) by changing from the Site-Specific Institutional “I-1” Zone to the Site-Specific Institutional “I-11(H)” Holding Zone, the lands comprised of Blocks “2” and “3”); and,

   (c) by changing from the Agricultural “A” Zone to the Site-Specific Conservation Management “CM-5” Zone, the lands comprised of Block “4”; the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.

2. That the amending By-law apply a Holding provision for those lands zoned Site-Specific Institutional “I-11(H)” Holding Zone (Blocks “2” and “3”), in Section 1 of this By-law, by introducing the Holding ‘H’ symbol as a suffix to the proposed zone. The Holding provision shall not be removed until such time as the following condition has been completed:

   (i) An Archaeological Assessment for the subject property is completed and approved by the Director of Planning and the Minister of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

   City Council may remove the ‘H’ symbol, and thereby give effect to the Institutional “I-11” Zone, by enactment of an amending By-law once the above condition has been satisfied.

3. That Section 22 - Institutional Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding a new Subsection “22.3.11”, as follows:

   22.3.11 “I-11” (See Schedule A-11)

   Permitted Uses

   (a) A private school.

   Zone Provisions

   (a) Notwithstanding Subsection 22.3.1(a), the maximum Lot Area for a school shall be 2.85 hectares.
(b) All other zone provisions of Subsection 22.2 shall apply.

The ‘H’ Holding Provision shall remain in effect until an Archaeological Assessment for the subject property is completed and approved by the Director of Planning and the Minister of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

4. That Section 28 - Conservation Management Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding a new Subsection “28.3.5”, as follows:

28.3.5 “CM-5” (See Schedule A-11)

Permitted Uses

Notwithstanding Section 28.1, only the following uses shall be permitted:

(a) Agriculture, subject to the provisions of Subsection 33.2.
(b) Conservation uses.
(c) Passive Recreation uses, excluding sports fields.

Zone Provisions

In accordance with Subsection 28.2.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [ ], day of [ ], 2010.

__________________________  ____________________________
Fred Eisenberger             Kevin C. Christenson
Mayor                        Clerk

OPA-09-005 / ZAC-09-023
Appendix "D" to Report PED10045 (Page 4 of 4)

This is Schedule "A" to By-Law No. 10-
Passed the .......... day of ....................., 2010

Schedule "A"
Map Forming Part of By-Law No. 10-_____
to Amend By-Law No. 90-145-Z

Subject Property
497 and Part of 533 Millgrove Side Road

Block 1 - Change from Institutional "I-1" Zone to Institutional "I-11" Zone
Block 2 & 3 - Change from Agricultural "A" Zone to Institutional "I-11(h)" Holding Zone
Block 4 - Change from Agricultural "A" Zone to Conservation Management "CM-S" Zone

Scale: N.T.S.
File Name/Number: ZAC-09-0205_0PA-09-005
Date: February 11, 2010
Planner/Technician: CT/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Plan Showing Redevelopment of School On Expanded Lands
Appendix “F” to Report PED10045
Plan Showing Existing School Site
(Page 1 of 1)