TO: Chair and Members
   Economic Development and Planning Committee
WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: May 4, 2010

SUBJECT/REPORT NO:
Applications for Amendments to the Region of Hamilton-Wentworth Official Plan and Stoney Creek Official Plan for a Portion of the Lands Located at 568 Ridge Road (Stoney Creek) (PED10100) (Ward 11)

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

PREPARED BY:
Alvin Chan
905-546-2424, Ext. 1334

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to Amended Hamilton-Wentworth Official Plan Amendment Application ROPA-09-003, by IBI Group, c/o John Ariens (Applicant), for Regional Official Plan Amendment No.[___], to establish Special Policy Area[___], with modifications to Policy C-1.5.2(c), to permit a small scale restaurant in conjunction with a winery, on a portion of the lands known municipally as 568 Ridge Road, as shown on Appendix “A” to Report PED10100, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10100, be adopted by Council.

(ii) That the proposed Regional Official Plan Amendment is consistent with the Provincial Policy Statement and Greenbelt Plan.
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(b) That approval be given to Amended Official Plan Amendment Application OPA-09-009, by IBI Group, c/o John Ariens (Applicant), for Official Plan Amendment No. ____, to establish Special Policy Area ____, and to amend Policy A.9.2.2 to permit a small scale restaurant in conjunction with a winery, on a portion of the lands known municipally as 568 Ridge Road, as shown on Appendix "A" to Report PED10100, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10100, be adopted by Council.

(ii) That the proposed Local Official Plan Amendment is consistent with the Provincial Policy Statement and Greenbelt Plan, and will conform to the Hamilton-Wentworth Official Plan upon finalization of Regional Official Plan Amendment No. ____.

(c) That approval be given to Modification No. ____ /Official Plan Amendment No. ____, to modify the Rural Hamilton Official Plan to establish a Site-Specific Area to permit a small scale restaurant in conjunction with a winery, on a portion of the lands known municipally as 568 Ridge Road, as shown on Appendix “A” to Report PED10100, on the following basis:

(i) That the draft Modification/Official Plan Amendment, attached as Appendix “C” to Report PED10100, be adopted by Council;

(ii) That the proposed Modification/Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan.

EXECUTIVE SUMMARY

The purpose of the applications is to amend the Region of Hamilton-Wentworth and City of Stoney Creek Official Plans, and to modify the Rural Hamilton Official Plan, in order to permit a small scale restaurant in conjunction with a winery, fronting onto Ridge Road (see Appendix “A”). The subject lands are currently used for agricultural purposes, and the applicant proposes a new winery building and the conversion of the existing residence to a small scale incidental restaurant (see Appendix “D”).

The proposal has merit and can be supported as it is consistent with the Niagara Escarpment Plan, Provincial Policy Statement, and Greenbelt Plan.

Alternatives for Consideration - See Page 23.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.
Staffing: N/A.
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(s).

HISTORICAL BACKGROUND (Chronology of events)

History
The subject applications were previously reviewed through Niagara Escarpment Commission Development Permit Application W/C/06-07/224, which has been held in abeyance by the Commission until the necessary Official Plan Amendments have been approved by the City of Hamilton.

The subject proposal is consistent with the policies of the Niagara Escarpment Plan, subject to the requested Official Plan Amendments and completion of the submitted Development Permit Application. A future Site Plan Control Application will also be required to facilitate the proposed development, and has been required as a provision of the proposed Official Plan Amendments and modification, attached as Appendices “B” and “C”.

Proposal
The applicant is proposing a 432m² winery, with a small scale restaurant in conjunction with/incidental to the winery, on a portion of the lands located at the southwest corner of Ridge Road and Tapleytown Road, as per the preliminary concept plan attached as Appendix “D”.

To facilitate this proposal, the applicant has applied to amend the Hamilton-Wentworth Official Plan and City of Stoney Creek Official Plan to establish a Site-Specific Policy Area in order to permit a small scale restaurant in conjunction with/incidental to the proposed winery within lands designated as “Escarpment Protection Area”.

For administrative purposes, the Rural Hamilton Official Plan will be modified to reflect the proposed changes. The proposed development is also subject to fulfilment and completion of the Niagara Escarpment Commission Development Permit Application W/C/06-07/224 and a future Site Plan Control Application.
Details of Submitted Application:

**Location:** 568 Ridge Road (Stoney Creek)  
(See Appendix “A”)

**Owner:** Antonietta Cotroneo

**Applicant/Agent:** IBI Group  
c/o John Ariens (Agent)

**Property Description:**  
- **Frontage:** 372m (Ridge Road)  
- **Depth:** ± 910m (Irregular Lot)  
- **Total Land Area:** ± 38 hectares

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Land:</strong></td>
<td>“A” (Agricultural) Zone</td>
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<td>Agricultural</td>
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<td><strong>Note:</strong> The northerly portion of the property is within the Niagara Escarpment Development Permit Area and is not subject to Municipal Zoning.</td>
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**Surrounding Land:**

<table>
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<tr>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
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| Canadian Pacific Railway Corridor and Open Space | Agricultural “A” Zone                  | Agricultural, Single Detached Dwelling, and Place of Worship | Agricultural “A” Zone  
(Museum  
(Erland Lee House)) |
| Open Space “OS-3” Zone (Niagara Escarpment Face) | Agricultural “A” Zone                  | Agricultural “A” Zone, Rural Residential “RR” Zone and Small Scale Institutional “IS” Zone | Agricultural “A” Zone |

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Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
POLICY IMPLICATIONS

Niagara Escarpment Plan:

The subject lands are within the Development Permit Area of the Niagara Escarpment Plan (NEP) and designated as “Escarpment Protection Area”. A Development Permit Application (W/C/06-07/224) has been submitted, but in light of comments from the City of Hamilton, the application is being held in abeyance until such time as the requested Official Plan Amendments have been finalized.

Part 1, Land Use Policies, provides general direction regarding the Niagara Escarpment Plan Area designations. The permitted uses under Part 1.4, in particular Items 1 to 5, permit agricultural operations with associated principal and accessory dwellings and exiting uses along with Item 31, which permits a winery and winery incidental uses, subject to Part 2.10.4.

Part 2, Development Criteria, provides direction on development within the Escarpment Protection designation. In particular, Parts 2.10.1 and 2.10.2 permit the proposed agricultural operation (winery) and associated dwellings.

Part 2.10.3 permits small scale commercial uses accessory to agriculture, subject to the following criteria:

(a) A small scale commercial use accessory to agriculture may be permitted provided it is subordinate, incidental, and exclusively devoted to the principal agricultural use carried out on the farm property by the owner, and is not considered a high intensity use out of character with the agricultural area.

(b) All buildings, structures, and facilities, including parking areas, associated with the small scale commercial use accessory to agriculture shall be designed and located to minimize the impact on the principal agricultural use, adjacent land use, and the rural open landscape character.

(c) Notwithstanding the policies that apply to wineries in Part 2.10.4 d), the majority of retail sales conducted as part of the small scale commercial use accessory to agriculture shall be limited to the sale of produce grown on the property, or produced on the property from the produce grown on the property. This relationship shall be clearly outlined, to the satisfaction of the implementing authority, in the proposed plans for the development.

(d) Signage for small scale commercial uses accessory to agriculture shall be subject to Part 2.2.11 General Development Criteria.
(e) A further use incidental to a small scale commercial use accessory to agriculture may be integrated within the accessory operation provided that it does not result in a significant overall intensification of the use. For example, restaurants, banquet, and conference facilities shall not be permitted as an incidental use.

The proposed small scale restaurant was reviewed by Niagara Escarpment Commission staff, and is deemed to be an incidental facility subject to the criteria of Part 2.10.4.1. A planning justification report was submitted documenting the intensity and form of development, which has been deemed satisfactory by the Niagara Escarpment Commission.

As noted above, winery operations and incidental uses are further subject to Section 2.10.4, which permits winery and winery incidental uses subject to the following criteria:

(a) A winery may be permitted provided the winery farm parcel upon which the winery is proposed is a minimum of 4 hectares (10 acres). The minimum lot size applies to the consideration of a proposed winery on an existing lot of record and not to the creation of a lot upon which a winery may be proposed.

(b) A winery or winery incidental use shall not be severed from the winery farm parcel.

(c) A minimum of 2 hectares (5 acres) of the arable winery farm parcel upon which the winery is proposed shall be capable of and committed to producing grapes that are used in the winery, and provided that a minimum of two-thirds of that area is in full grape production for use in the winery by the time the winery is built.

(d) That 85% of the grapes used in the production of wine come from grapes grown in the region within which the winery is located. This may be reduced in any one year due to a regional crop failure.

(e) All applications for new or expanded wineries shall be required to submit a traffic analysis that predicts the anticipated volume, scale of vehicles, and the capability of the local/regional road to accommodate the anticipated traffic.

(f) All applications for new or expanded wineries shall submit for approval a detailed sewage system design, prepared by a qualified individual, such as a sewage system engineer, and may require the expertise of a hydrogeologist.
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(g) The maximum size of a winery shall not exceed 1.5% of the winery farm parcel, to a maximum of 2,323 square metres (25,000 square feet) - whichever is the lesser. This area calculation shall not include that portion of the winery that is fully underground.

(h) The area for the display and retails sales of wine produced on the winery farm parcel, and the sale of farm products grown and/or produced from the farm property, and the tasting area may be in addition to, but shall not exceed, 25% of the total size of the winery aboveground.

(i) The sale of gift, promotional, and non-local products may be permitted to a maximum of 20% of the retail sales and tasting area, and shall be located within the retails sales and tasting area.

(j) The sale of gift, promotional, and non-local products meet the requirements of the Liquor Control Board of Ontario or the Alcohol Gaming Commission of Ontario.

(k) Educational and historical displays that are related to the wine and grape industry to a maximum size of 10% of the total area of the winery aboveground.

(l) Limited complimentary food services may be provided within the retail sales and tasting area.

(m) Outdoor barbecues and picnics at wineries may be permitted provided that adequate and appropriate on-site water and sanitary services are available, to the satisfaction of the Public Health Department and relevant authorities.

(n) Signage for wineries shall be subject to Part 2.2.11.

(o) Restaurants, banquet halls, and conference facilities will not be permitted at wineries.

It is noted that the winery meets the location and size criteria, and a supporting Hydrogeological investigation was submitted and accepted by the City of Hamilton Source Water Protection Section and the Public Health Unit, in principle, with further investigation to be conducted under the required Site Plan Control application. A detailed traffic study was not required at this time for the purpose of the Official Plan Amendments.

More detailed review of the winery operation and respective floor areas dedicated to the above noted incidental uses will be reviewed through the required Niagara Escarpment Development Permit Application and Site Plan Control Application.
Niagara Escarpment Commission staff has asked that Clause (c) above be included as a clause in the respective Official Plan Amendments. Staff has included the required clauses as part of the proposed Official Plan Amendments/modification, attached as Appendices “B” and “C”.

Lastly, the proposed commercial element is not deemed to be a restaurant, but rather a use in conjunction with/incidental to the winery. As such, Part 2.10.4.1 of the Niagara Escarpment Plan provides direction on Winery Incidental facilities:

(a) A single, incidental facility to sell wine, with limited food service, may be permitted at a winery provided the following criteria are met:

(i) The incidental facility is appropriately licensed under the Liquor Licence Act;

(ii) Subject to on-site private sewage systems and water supplies, the maximum number of patrons of the incidental facility is 50 people;

(iii) The incidental facility is located within the winery building and/or decks/patios attached to the winery building(s) and is not a separate, detached structure;

(iv) The size of the incidental facility comprises part of, and is not in addition to, the maximum permitted size of the winery and the permitted size of the retail sales and tasting area, as per Sections 2.10.4. g) and h);

(v) If the incidental facility has any outdoor seating space, then that area (square footage) comprises part of, and is not in addition to, the total maximum permitted winery size and the permitted size of the retail sales and tasting area, as per Sections 2.10.4. g) and h);

(vi) The incidental facility may only operate when the winery is open for public tours or public events, and as provided for in the Liquor Licence Act;

(vii) There shall be no new parking facilities or vehicle access infrastructure constructed to serve this incidental facility unless it can be demonstrated, to the satisfaction of the implementing authority, that the existing parking and vehicle access infrastructure needs to be expanded as an essential requirement for the operation of the incidental facility, or if required to meet any provincial or municipal requirements;
(viii) Notwithstanding ii) above, municipal servicing may only be permitted:

- If public health authorities or MOE determines it is the only sustainable means of servicing the winery and the incidental facility for reasons of public health or environmental protection; or,

- If existing municipal servicing is located adjacent to the winery and a lateral connection is approved by the relevant authorities.

(ix) No other buildings or infrastructure are required to serve this incidental facility, except as otherwise provided for in ii), iii), vii), and viii) above;

(x) Generally, the incidental facility will give priority to serving wine produced at that winery;

(xi) The food service provided does not exceed light meals, as defined in this Plan; and,

(xii) All relevant provincial and municipal requirements are met.

The siting of the proposed winery and incidental facility were reviewed against Sub-policy (iii), which requires that “the incidental facility is located within the winery building and/or decks/patios attached to the winery building(s), and is not a separate, detached structure;…”

Niagara Escarpment Commission staff has advised this restriction does not apply to any other components of the winery and, consequently, the retail sales/tasting outlet is not required to be in the same building as that of the winery production. The NEP would not expressly prohibit the inclusion of food services within the building housing the retail sales/tasting component of the operation.

Furthermore, in the opinion of Niagara Escarpment Commission staff, the proposed concept plan establishes an acceptable level of connectivity between the two buildings with the use of the parking lot and a walkway connection to the patio adjacent to the existing building. As such, the fundamental concerns of a comprehensive development form have been, in principle, satisfied (see Appendix “D”).

Lastly, the applicant/owner is advised that a detailed review of the site plan/building use, as required by the Niagara Escarpment Plan provisions above, shall be reviewed with the Development Permit application and required Site Plan Control application.
Provincial Greenbelt Plan:

The subject lands are located within the Niagara Escarpment Plan Area (NEP) and are, therefore, subject to Policy 2.2, which states that:

“The requirements of the NEP, established under the Niagara Escarpment Planning and Development Act, continue to apply, and the Protected Countryside policies do not apply, with the exception of Section 3.3”.

As Policy Section 3.3 provides direction on the establishment of “Parkland, Open Space and Trails”, which is not proposed under the subject application, the proposal for amendments to the respective Official Plans conforms to the Provincial Greenbelt Plan.

Provincial Policy Statement:

The proposed development is consistent with the policies that govern the Rural Area. In particular, Policy 1.1.4 permits uses and activities that relate to the management or use of resources, resource-based recreational activities, limited residential development, and other rural land uses. As the proposed development is to permit a small scale restaurant in conjunction with/incidental to an agricultural operation (winery), the proposal is consistent with the Rural Area policies of the Provincial Policy Statement.

Additionally, the subject lands are located adjacent to Environmentally Significant Area (ESA #54) Devil’s Punch Bowl Escarpment.

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.”

Natural Heritage planning staff has reviewed the conceptual site plan and are of the opinion that the proposed development is sufficiently set back from the boundaries of the natural heritage features. Therefore, an Environmental Impact Statement was not required.

Furthermore, 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 maintains the heritage integrity of the site, may be permitted.”

It is noted that a Stage 1 and 2 Archaeological Assessment was prepared and, subsequently, cleared by the Ministry of Culture on June 30, 2009. However, the study only documented the area of development and, subsequently, any changes to the development area may require additional assessment. Based on the current submission, archaeological concerns have been satisfied.

Moreover, Policy 2.6.3 states that:

“Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated, and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.”

The subject lands are adjacent to 552 Ridge Road (Erland Lee), which is designated under Part IV of the Ontario Heritage Act. As the proposed new construction is separated from the designated property by the existing farmstead, a Heritage Impact Assessment is not required. However, the design, massing, materials, orientation, and landscaping for the proposed “Winery and Incidental Use” shall be sympathetic to the adjacent designated property. The items mentioned above will be addressed under the future required Site Plan Control application and through the existing Niagara Escarpment Commission Development Permit Application W/C/06-07/224.

Lastly, Policy 1.6.4.1(b) states that:

“Planning for sewage and water services shall:

(b) Ensure that these systems are provided in a manner that:

1. Can be sustained by the water resources upon which such services rely;
2. Is financially viable and complies with all regulatory requirements; and,
3. Protects human health and the natural environment.”

The proposed winery operation and restaurant has been designed to accommodate 50 patrons and 10 employees at a given time, all to be serviced by an on-site sewage disposal system and existing wells. In support of this, a preliminary hydro-geological investigation was submitted with the subject application, and upon review by the Public Health Unit and Source Water Protection Section, no further peer review was required.
However, the applicant/owner is advised that a detailed hydro-geological investigation will be required through the future Site Plan Control application. This report must address all other uses and occupancies that can be reasonably expected to add to the initially estimated daily sewage flow (e.g. on-site residence occupancies, washrooms, etc.). The report should also discuss any other ancillary uses or special events that may generate sewage effluent above and beyond that which is typical of the daily design sewage flow for a 50-seat restaurant. Calculations contained in the preliminary Hydro-geological investigation should be updated if additional sewage flows are contemplated.

Furthermore, recommendations and a design brief relating to the drinking water system including well head protection, treatment, and distribution system components, must be included.

Additionally, the report should discuss recommendations for placement of the sewage disposal system relative to water wells to ensure best protection of drinking water sources and systems. The on-site hydrogeology conditions should be assessed and included in establishing safe setback distances between the on-site sewage disposal system and the on-site and neighbouring drinking wells. It could be necessary that the separation distances between the sewage system and water wells will be greater than prescribed in the Ontario Building Code and the Ontario Water Resource Act.

Moreover, a proposed overall site plan that includes layout details relating to the proposed restaurant, winery, any ancillary uses, the proposed drinking water system(s) and distribution system, if any, the septic system components, and the proposed filling station for pesticide sprayers, shall be submitted.

Lastly, it should be noted that the restaurant floor layout must comply with requirements of O.Reg 562 (Food Premises); the small drinking water system must comply with O.Reg 319/08 (Small Drinking Water Systems); and the on-site sewage disposal system must comply with the Ontario Building Code if the sewage design flows ≤ 10,000 L/day, or the Ontario Water Resources Act if > 10,000 L/day. It is recommended that, if necessary, this required detailed Hydro-geological report be peer reviewed, at the applicant's expense, as part of the Site Plan Control Application.

Based on the foregoing, the proposal is consistent with the policies of the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan:**

The subject lands are designated as “Rural Area” on Map 1, and “Escrampment Protection Area” on Map 3 of the Hamilton-Wentworth Official Plan.
Within the Rural Area and Escarpment Protection Area, agricultural operations such as a winery are permitted, as per Policy Section C-1.5.2(c), which permits the variety of uses permitted under the Escarpment Natural Area designation along with a mobile dwelling accessory to an agricultural operation and a veterinary clinic.

The proposed Official Plan Amendments, therefore, seek to permit within the Escarpment Protection Area, a small scale restaurant, in conjunction with/incidental to a winery. Notwithstanding that the use is not permitted, the Economic policies of Section B and Policy C-3.2.2.3 provide guidance on similar non-agricultural part-time uses directly related to the farm operation, which are required in close proximity, subject to fulfilment of the respective criteria.

Furthermore, Policy C-3.2.3.1 states that individual commercial and industrial uses are permitted only if they are directly related to and serve the agricultural community, or directly utilize the natural resources of the Rural Area. Such uses will not be permitted to locate within the Niagara Escarpment Plan - Natural and Protection Areas, will be directed away from prime agricultural land and, where possible, will be located within designated Rural Business Parks or Rural Settlement Areas, subject to development criteria.

Staff has reviewed the submitted planning justification report, which documents the suitability of the proposed use, along with a proposed conceptual site plan demonstrating compatibility with the adjacent uses and the need for this operation to be located on the subject farm parcel, to be operated by the resident farmer with no additional interference with the operation of the farm/winery.

The proposed winery will not threaten ground and surface water resources; has adequate transportation services, will not necessitate new municipal water or sewer services; and will not disturb the agricultural operation. While maintaining compliance with the Minimum Distance Separation Formulae and the aesthetic and functional characteristics of the rural landscape, the proposal is, in principle, consistent with Policy Section C-3.2.3.1 and the direction provided for part-time uses of a similar nature.

Additionally, in order to facilitate the proposed change in intensity in operation on the subject lands, Policy C-2.3.1 requires the development in the rural area occur only where:

“(a) Groundwater is a viable long-term source of potable water;

(b) Cumulative impacts of development, including landscape alterations and/or septic systems, will not threaten the quantity or quality of groundwater resources; and,
(c) The physical, economic, and land use implications of communal systems have been evaluated. (Also refer to Policy C-4.2.1.3)"

A preliminary hydro-geological investigation, which does not propose the use of communal services and generally demonstrates no negative impacts on the quantity or quality of groundwater resources, was submitted and accepted by Source Water Protection and the Public Health Unit. Notwithstanding, the applicant/owner is advised that more detailed investigation will be required when the details of development are known through the required Site Plan Control Application and Niagara Escarpment Commission Development Permit. Therefore, the above noted policies have been satisfied, in principle, subject to further detailed investigation.

However, 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, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection.

As previously mentioned, the applicant has submitted an archaeological assessment, which has received clearance from the Ministry of Culture. Staff, therefore, has no further concern; however, the owner/applicant is advised that should development occur beyond the area assessed, further investigation may be required.

Additionally, as the subject lands are adjacent to Environmentally Significant Area (ESA #54) Devil’s Punch Bowl Escarpment, Policy C-1.2.2 of the Plan states that land use changes in or adjacent to Environmentally Significant Areas will only be permitted where such development:

“(i) Will not adversely affect, degrade, or destroy any of the qualities which are the basis for the area’s designation;

(ii) Will not cause any significant impacts upon water quality and quantity; and,

(iii) Will not adversely affect the implementation of any resource protection policies or plans.”

In review of the conceptual site plan, Natural Heritage planning staff is of the opinion that the proposed development is sufficiently set back from the boundaries of the natural heritage features and an Environmental Impact Statement is, therefore, not required.
Staff is, therefore, of the opinion that the proposed winery, being an agricultural operation, and the proposed incidental restaurant, which directly utilizes the resources of the area (e.g. wine grape crops), conforms to the Niagara Escarpment Plan, and is consistent with the policy direction for similar types of secondary or part-time uses to an agricultural operation. Based on the foregoing, staff is in support of the proposed amendments/modification.

**City of Stoney Creek Official Plan:**

The subject lands are designated as “Agricultural” on Schedule “A” - General Land Use Plan and as “Niagara Escarpment Protection Area” on Schedule “B” - Open Spaces and Natural Environmental System, in the City of Stoney Creek Official Plan.

Policy A.9.2.2 does permit small scale commercial and industrial uses necessary in proximity to farm operations and directly related to the agricultural community, except on those lands identified on Schedule “B” as Escarpment Protection Area wherein, in addition to those uses identified by Policy A.9.2.1, which include farming, animal husbandry, greenhouses, nurseries, apiaries, poultry farms, forestry, horticultural research centres, and uses similar to the foregoing, only accessory uses to farming operations are permitted.

As previously stated, the winery is an agricultural operation; however, the incidental restaurant is not an accessory farming use and, therefore, necessitates amendment to the Stoney Creek Official Plan “Agricultural” provisions to permit such a use on a portion of the lands.

Similar to the Regional Official Plan, notwithstanding the proposed use is prohibited within the Escarpment Protection Designation, the former Stoney Creek Official Plan provides guidance on similar small scale commercial uses subject to the criteria of Policy A.9.2.2.

In support of the proposed development, a planning justification report was submitted indicating the need for the proposed commercial element to be located on the farm parcel due to the inputs required and its incidental/conjunctive nature of the operation.

The agricultural parcel is large in nature and well removed from any natural heritage features, and is physically capable and suitable for the proposed operation. In light of the submitted hydro-geological investigation, adequate services are available, and there will be no negative impact on the environment or natural heritage feature while maintaining a low intensity open space character.

However, it is noted that the proposed amendments do not directly serve the rural area, and are not a form of infilling.
Based on the foregoing, as the proposal conforms to the policies of the Niagara Escarpment Plan and is, in principle, consistent with the criteria for similar small scale commercial development, save and except for its location within the Escarpment Protection Area, staff is in support of the proposed amendments.

Policy A.9.3.1.4 states that:

“Ridge Road, generally west of the lot lines between Lots 10 and 11, offers spectacular views of the northern portion of the City. Land uses adjacent to this scenic route shall be such that the views from the road are, as much as possible, unimpeded. In this regard, Council, in the implementing By-law, shall establish minimum lot sizes for any future lot created on that road on an infilling basis in accordance with the relevant policies of this Plan, as well as adequate setback.”

It is noted that as the lands fall within the Niagara Escarpment Development Control Area, municipal zoning is in-operative. Notwithstanding, the subject application will be subject to a future Site Plan Control application and completion of the pending Niagara Escarpment Commission Development Permit application, which will cover such details as setbacks, heights, and view shed protection.

Policy B.1.2.8(d) states that:

“The designations of the Niagara Escarpment Plan, namely the Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, and Winona Minor Urban Centre, are identified on Schedule “B”. Escarpment Natural Areas are Class 1 ESA’s. Escarpment Protection Areas are Class 3 Rehabilitation Areas in order to provide a buffer zone to the ESA portions of the Escarpment Natural Areas. Development within these areas, as well as the designation of the Niagara Escarpment Plan, will be subject to the policies of the Niagara Escarpment Plan, as well as the relevant policies of this plan.”

Similarly, Policy B.1.2.1(b) provides direction on Class 2 - Core Areas and the protection of the environment. Based upon review of the subject proposal, Natural Heritage Planning staff is of the opinion that the area of development is well removed from the Environmentally Sensitive Area, and no further investigation is required.

The relevant policies mentioned above are found in Section B.7 of the Stoney Creek Official Plan. In particular, Policy B.7.2.1 states that any development within the Escarpment Protection Area will be subject to the policies of the Niagara Escarpment Plan and the relevant policies of the Stoney Creek Official Plan. Further direction is provided under Policy B.7.2.3 for the Escarpment Protection Area.
Policy B.7.2.3 states that:

“The Escarpment Protection Area, shown on Schedule “B”, is of visual prominence and environmental significance. This designation is intended to maintain and enhance Escarpment features, the open landscape character of the Niagara Escarpment and land in its vicinity, and to provide a buffer to the Escarpment features and to encourage compatible recreational and agricultural activities. Development within this area shall be subject to the relevant Agricultural policies of Subsection A.9 of this Plan, along with associated policies in Sub-sections B.2, B.4, B.5, C.1, C.3, C.4, and other relevant policies of this Plan and the Niagara Escarpment Plan.”

It is noted that the policies of A.9 are discussed at the top of the Stoney Creek Official Plan Section. With regard to the other listed sub-sections, the proposed development is not designated as Hazard Lands, does not involve Mineral Aggregate Resources, is well removed from any forests and woodlots, does not involve a severance and, therefore, complies with the policies of the relevant sub-sections.

Additionally, it is noted that both Tapleytown Road and Ridge Road are designated as Arterial Roads on Schedule D - Functional Road Classification of the Stoney Creek Official Plan.

Policy D.3.1.2.6 states that:

“The dedication of property for daylight triangles on existing roads will be required at such times as the property is to be developed or redeveloped, and where the development is in a proposed site plan control area, as defined in Subsection F.6 of this Plan, and set out in a By-law implementing Site Plan Control…”

Furthermore, Policy D.3.1.2.7 requires that development with direct frontage on arterial roads be restricted in accordance with the policies of the Regional Official Plan, whereby direct access will only be permitted where circumstances warrant it and with the approval of the Region.

Additionally, Policy D.3.1.2.8 requires that all new development abutting arterials roads provide adequate off-street loading and unloading facilities, with minimal vehicular detrimental impacts on the free flow or safety of other vehicles operating on the arterial road.

It is noted that daylight triangles and access locations are to be reviewed through the required Site Plan Control application, along with the completion of the Niagara Escarpment Development Permit application. All loading and parking is to be provided on-site away from the roadway and will, therefore, have minimal impact on the flow and safety of other motor vehicles.
As a result, staff supports the proposed Stoney Creek Official Plan Amendment, as it conforms to the Niagara Escarpment Plan and is, in principle, consistent with the direction for similar small scale commercial development, is adequately serviced, and will be subject to future development applications (e.g. Site Plan Control) for more precise review of the development details when known.

**Rural Hamilton Official Plan:**

The subject lands are designated as “Niagara Escarpment Protection Area” on Schedule “A” - Provincial Plans, and “Specialty Crop” on Schedule “D” - Rural Land Use Designations in the Rural Hamilton Official Plan.

With regard to the “Niagara Escarpment Protection Area” designation, as previously mentioned, the proposed amendments conform to the policies of the Niagara Escarpment Plan.

Policy Section D-3.0 of the Rural Hamilton Official Plan, in particular Policy D.3.1.1, allows for a small scale winery. However, Sub-policy (g) states that restaurants are not permitted; therefore, a site-specific modification/amendment is required. Consequently, for administrative purposes, staff has included site-specific policies that permit a small scale restaurant only in conjunction/incidental to the winery, which shall be implemented through the required Niagara Escarpment Commission Development Permit (see Recommendation (c) and Appendix “C”).

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections, as it pertains to the subject Official Plan Amendment applications:

- Corporate Services Department, Taxation Division.
- Hamilton Conservation Authority.

**Public Works Department, Strategic Planning and Rapid Transit Section**, advised the applicant/owner of the ongoing Stoney Creek / Battlefield Creek Class EA Study, and recommended additional contact correspondence with the Conservation Authority. Furthermore, the recommendations of the City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into servicing plans.

**Public Works Department, Traffic Engineering Section** staff has no objections to the proposed Regional or Local Official Plan Amendment; however, advises the applicant/owner of the following matters that will be addressed through the future
required Site Plan Control application and Niagara Escarpment Development Permit application.

The owner/applicant is advised that at the required site plan stage, upgrade of the accesses to the proposed winery building and restaurant (existing home) will be required, to the satisfaction of the Manager of Traffic Engineering, along with the required access permit applications. A vehicle laneway is recommended on private property between the winery parking lot and the restaurant, along with pedestrian connections. These aspects will also be addressed under the required Site Plan Control application.

Page 8 of the Planning justification report indicates that sight lines and stopping distances for the access point have been reviewed in the field and deemed satisfactory. Submission of field review data for City staff to undertake analysis and determine any required access modifications will be required through the Site Plan Control process. It is noted that the site lines should be based on the posted 60km/h and design speed of 70km/h, driver to headlight criteria.

Page 5 Section 4.1(a) vii of the Planning justification report indicates that no new vehicles access infrastructure is to be constructed for the incidental facility unless required to meet municipal requirements. In light of this comment, the applicant/owner is advised that the existing farm entrance, shown as the access to the proposed winery, will require upgrade to minimum 9.0m width, with a 7.0m turning radii. A larger design may be required once detail design is underway.

Furthermore, the site plan stage will also require upgrades for the existing residential access conversion to commercial standards. In-bound, one-way access should be approximately 3.5m in width; however, as the access is located between a large City tree and utility pole, relocation of utilities is likely required in order to conform to the minimum required clearance distances of 1.2m from any street utilities and/or structures. Similarly, the outbound access also appears contradictory to the required clearance distance, and will be further reviewed during the site plan control process.

The applicant/owner is also advised that the existing metal fence along the frontage of the proposed restaurant is located within the 5.0m x 5.0m daylight/vision triangle and may result in sight line obstruction for drivers exiting the property. A portion of the fence looks to be within the Ridge Road road allowance; confirmation that the fence is wholly on private property and addressing of the daylight/vision triangle deficiency will be addressed through the required Site Plan Control application.

Lastly, Page 8, Section 6.1, of the Planning justification report, discusses traffic generation; however, it is unclear whether or not the trip generation data includes weekend traffic.
The revised plan has reduced the available parking spaces from 41 customer and 12 staff spaces, to 24 customer and 8 staff spaces. No justification has been provided for this reduction, and although no significant impacts are expected on the road network, staff requests this information be provided during Site Plan Control to ensure sufficient parking will be provided and that peak hours have been noted.

**Niagara Escarpment Commission:**

The planning justification report generally assures that the proposed amendments will respect the winery use provisions of the Niagara Escarpment Plan (NEP). The report does not verify that any grapes currently growing on the 4.8 hectares are “capable of and committed to producing grapes that are used in the winery”. Accordingly, approval of the proposed amendment(s) shall include wording used in the NEP regarding the grape crop and production.

In this regard, the required wording has been included within the respective Official Plan Amendment(s), attached as Appendices “B” and “C”.

**Public Health Services Department, Environmental Health Section:**

A detailed Hydro-geological report that builds upon the information provided in the preliminary report will be required through the future Site Plan Control application. This detailed report must include:

- All other uses and occupancies (in addition to the proposed 50-seat restaurant) that can be reasonably expected to add to the initially estimated daily sewage flow. For example; on-site residence occupancies; washrooms for the proposed winery building to serve staff and clients. Discussions of any other ancillary uses or special events that may generate sewage effluent above and beyond that which is typical of the daily design sewage flow for a 50-seat restaurant. Calculations contained in the preliminary hydro-geological report should be updated if additional sewage flows are contemplated.

- Recommendations for placement of the sewage disposal system relative to water wells to ensure best protection of drinking water sources and drinking water systems. The on-site hydrogeology conditions should be assessed and included in establishing safe set-back distances between the on-site sewage disposal system and the on-site and neighbouring drinking wells. It could be necessary that the separation distances between the sewage system and water wells will be greater than prescribed in the Ontario Building Code and the Ontario Water Resources Act.

- Recommendations and a design brief relating to the drinking water system including well head protection, treatment, and distribution system components.
A proposed overall site plan that includes layout details relating to the proposed restaurant, winery, any ancillary uses, the proposed drinking water system(s) and distribution system, if any, the septic system components, and the proposed location of the filling station for pesticide sprayers.

The restaurant floor layout plan must comply with requirements of O.Reg 562 (Food Premises).

The small drinking water system must comply with requirements of O.Reg 319/08 (Small Drinking Water Systems).

The onsite sewage disposal system must comply with the Ontario Building Code if the sewage system design flows $\leq 10,000$ L/day, or the Ontario Water Resources Act if $> 10,000$ L/day.

It is recommended, if necessary, that this detailed hydro-geological report be peer reviewed under the required Site Plan Control application.

Bell Canada advises that an easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act. Please be advised that Bell Canada requests to be circulated on any future development applications.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 37 property owners within 120 metres of the subject property on September 25, 2009. A Public Notice sign was also posted on the property and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, one public response has been received, and is discussed in the Analysis/Rationale For Recommendation section found below.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

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

   (i) It is consistent with the policies of the Provincial Policy Statement and the Greenbelt Plan.

   (ii) It conforms to the policies of the Niagara Escarpment Plan.
2. The policies of the Provincial Policy Statement promote agricultural operations (winery) and agri-tourism (proposed small scale restaurant in conjunction with/incidental to the winery). The proposal is, therefore, consistent with the Provincial Policy Statement.

3. The Provincial Greenbelt Plan Policy 2.2 states that the requirements of the NEP, established under the Niagara Escarpment Planning and Development Act, continue to apply, and the Protected Countryside policies do not apply, with the exception of Section 3.3.

As Policy Section 3.3 provides direction on the establishment of “Parkland, Open Space and Trails”, which is not proposed under the subject application, the proposal for amendment to the respective Official Plans conforms to the Provincial Greenbelt Plan.

4. The proposal is subject to Niagara Escarpment Commission Development Permit Application W/C/06-07/224. Niagara Escarpment Commission staff has reviewed the application and, as requested, the development criteria regarding grape crop production has been included within the proposed Official Plan Amendments. Based on the foregoing, the proposal conforms to the Niagara Escarpment Plan.

5. The subject amendments are, in principle, consistent with the direction of the Region of Hamilton-Wentworth Official Plan and City of Stoney Creek Official Plan; whereby the proposed use is compatible with the surrounding area, is consistent with the criteria for similar secondary and/or part-time uses, and is suitably located in the Rural Area and conforms to the policies of the Niagara Escarpment Plan.

6. The New Rural Hamilton Official Plan permits winery operations. Although a restaurant is not a permitted use, the proposed incidental use is, in principle, consistent with the direction provided by the Rural Hamilton Official Plan with regard to similar part-time or secondary uses to an agricultural operation, is compatible with surrounding land uses, and conforms to the policies of the Niagara Escarpment Plan.

7. Staff received one letter of concern, attached as Appendix “E”. The public comment identified concerns with regards to increased traffic and preservation of the Niagara Escarpment feature.

As the proposed development has been reviewed by Niagara Escarpment Commission staff, and is a permitted use under the Niagara Escarpment Plan, and subject to Development Permit Application W/C/06-07/224, the proposal is a
suitable form of development at this location within the Niagara Escarpment Plan Area.

With regard to traffic, generally there are no concerns with the change in land use or the type/space of development proposed. Traffic staff has provided detailed comments, contained above in the Relevant Consultation section, which will be addressed through both the required Niagara Escarpment Development Permit and required Site Plan Control application. Based on the foregoing, staff is in support of the proposed Official Plan Amendments.

**ALTERNATIVES FOR CONSIDERATION:**
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

It is noted that the lands are in split jurisdiction, whereby the northerly portion, where the winery is being proposed, is within the Niagara Escarpment Development Control Area and is, therefore, governed by the Niagara Escarpment Plan, which permits the winery and incidental facility (restaurant). If the applications are denied, then the applicant has the option to develop the northerly portion in accordance with the policies and uses permitted within the Niagara Escarpment Plan, subject to a Development Permit from the Niagara Escarpment Commission.

With regard to the southerly portion of the subject lands, if the subject applications are denied, the applicant has the option to use the southerly portion outside of the Niagara Escarpment Commission Development Permit Area for a use as permitted under the current “A” Agricultural Zone.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Intergovernmental Relationships**
- Maintain effective relationships with other public agencies.

**Growing Our Economy**
- Newly created or revitalized employment sites.
- Competitive business environment.
- A visitor and convention destination.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Environmental Stewardship

- Natural resources are protected and enhanced.

**APPENDICES / SCHEDULES**

Appendix “A”: Location Map

Appendix “B”: Draft Amendment to the Region of Hamilton-Wentworth Official Plan and Former City of Stoney Creek Official Plan

Appendix “C”: Draft Amendment to the Rural Hamilton Official Plan

Appendix “D”: Proposed Concept Plan

Appendix “E”: Public Comments/Letters

:AC
Attachs. (5)
DRAFT
Amendments
to the

The Former Regional Municipality of Hamilton-Wentworth Official Plan and the Official Plan of the Former City of Stoney Creek

That the following text, together with Schedule “A” - Regional Development Pattern, Map No. 1, of the former Regional Municipality of Hamilton-Wentworth Official Plan, and Schedule ‘B’ - General Land Use Plan - Schedule “A” of the Official Plan of the Former City of Stoney Creek, attached hereto, constitutes:

1. Official Plan Amendment No. ___ to the former Regional Municipality of Hamilton-Wentworth Official Plan; and,

2. Official Plan Amendment No. ___ to the Official Plan of the former City of Stoney Creek.

Purpose:

The purpose of this Amendment is to establish Special Policy Areas and , in order to permit the development of a small scale restaurant in conjunction with/incidental to an agricultural operation (winery) within the “Niagara Escarpment Protection” lands, at 568 Ridge Road, in the Former City of Stoney Creek.

Location:

The lands affected by this Amendment, being approximately 18.65ha, are part of the lands known municipally as 568 Ridge Road, on the south side of Ridge Road, and the west side of Tapleytown Road, in the Former City of Stoney Creek.

Basis:

The basis for permitting the proposal is as follows:

- The proposal is consistent with the Provincial Policy Statement, and conforms to the Provincial Greenbelt Plan.

- The proposal conforms to the Niagara Escarpment Plan, which shall prevail in the case of conflict with any local plans and/or Zoning By-laws.
• The proposal is, in principle, in conformity with the Agricultural Area policies of the Region of Hamilton-Wentworth Official Plan and former City of Stoney Creek Official Plan.

**Actual Changes:**

1. That the former Regional Municipality of Hamilton-Wentworth Official Plan be amended as follows:

**Schedule Changes:**

1.1 Map 1 - Regional Development Pattern - be revised by changing the subject lands to Special Policy Area, as shown on the attached Schedule "A" of this amendment.

**Text Changes:**

1.2 That Section D-4, Plan Interpretation, Amendments and Boundaries, be amended by adding the following subsection:

"4.xxx Lands located on the south side of Ridge Road and the west side of Tapleytown Road, known municipally as part of 568 Ridge Road, being Part of Lot 17 of Concession 4, former City of Stoney Creek

In addition to the uses permitted in Section C-1.5.2(c), Escarpment Protection Area, for the lands known municipally as 568 Ridge Road and identified as SPECIAL POLICY AREA on Map 1, a small scale restaurant in conjunction with/incidental to the agricultural operation (winery) shall be permitted, subject to the following criteria:

(a) That the owner/applicant shall apply for and receive final approval of a Site Plan Control Application, from the City of Hamilton.

(b) That the owner/applicant shall prove, to the satisfaction of the Director of Planning of the City of Hamilton, and the Niagara Escarpment Commission, that a minimum of 2 hectares (5 acres) of the arable winery farm parcel upon which the winery is proposed is capable of and committed to producing grapes that are used in the winery, and a minimum of two-thirds of that 2 hectare area is in full grape production for use in the winery by the time a building permit is issued for the winery.
(c) That the maximum size of a winery shall not exceed 1.5% of the winery parcel, to a maximum of 2,323 square metres (25,000 square feet) - whichever is lesser. This area calculation shall not include that portion of the winery that is fully underground.

(d) That subject to on-site private sewage systems and water supplies, the maximum number of patrons of the restaurant shall be 50 people.

2. That the Official Plan of the former City of Stoney Creek be amended as follows:

Schedule Changes:

2.1 Schedule "A" - General Land Use Plan - be revised by changing the subject lands to Special Policy Area, as shown on the attached Schedule “B” of this amendment.

Text Changes:

2.2 That Section A.9, Agricultural, be amended by adding the following subsection:

“A.9.2.x Land located on the south side of Ridge Road and the west side of Tapleytown Road, known municipally as part of 568 Ridge Road, being Part of Lot 17 of Concession 4, former City of Stoney Creek

In addition to the uses permitted in Section A.9.2.2, for land located within the “Escarpment Protection” area, within the lands known municipally as 568 Ridge Road and identified as SPECIAL POLICY AREA on Schedule “A”, a small scale restaurant in conjunction with/incidental to the agricultural operation (winery) shall be permitted, subject to Policy A.9.2.2 (a to h); Policy B.2.4, and Policy Section A.7.2.3, and Regional Official Plan Amendment No. 

Implementation:

A Niagara Escarpment Development Permit and Site Plan Application will give effect to this Amendment.
This is Schedule "1" to By-law No. 10-__, passed on the ___ day of __, 2010.

The City of Hamilton

_________________________       _________________________
Fred Eisenberger               Rose Caterini
Mayor                        Clerk
The following text, together with Schedule “A” attached hereto, constitutes Official Plan Amendment No.  /Modification No.  to the Rural Hamilton Official Plan.

1.0  **Purpose:**

The purpose of this Amendment is to establish Rural Site-Specific Area R-, to permit the development of a small scale restaurant, in conjunction with and incidental to, a winery on part of 568 Ridge Road, in the former City of Stoney Creek.

2.0  **Location:**

The lands affected by this Amendment, being approximately 18.65ha, are part of the lands known municipally as 568 Ridge Road, on the south side of Ridge Road, and the west side of Tapleytown Road, in the former City of Stoney Creek.

3.0  **Basis:**

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan.
- The proposal conforms to the Niagara Escarpment Plan.

4.0  **Actual Changes:**

4.1  **Volume 3 - Special Policy and Site Specific Areas**

*Text*

4.1.1  **Appendices**

a. That Volume 3: Chapter B - Rural Site-Specific Areas be amended by adding a new Rural Site-Specific Area, R-, as follows:
R- Lands known municipally as part of 568 Ridge Road, former City of Stoney Creek.

1.0 Notwithstanding Policy D.3.1.1 g) of Volume 1, on the lands known municipally as part of 568 Ridge Road, only a small scale restaurant shall be permitted in conjunction with and incidental to a winery, subject to the following criteria:

(a) That the owner/applicant shall receive final approval of a Site Plan Control Application from the City of Hamilton.

(b) That the owner/applicant shall prove, to the satisfaction of the Director of Planning of the City of Hamilton, and the Niagara Escarpment Commission, that a minimum of 2 hectares (5 acres) of the arable winery farm parcel upon which the winery is proposed is capable of and committed to producing grapes that are used in the winery, and a minimum of two-thirds of that 2 hectare area is in full grape production for use in the winery.

(c) That the maximum size of a winery shall not exceed 1.5% of the winery parcel, to a maximum of 2,323 square metres (25,000 square feet) - whichever is lesser. This area calculation shall not include that portion of the winery that is fully underground.

(d) That provided the provisions of Section C.5.1 - Sustainable Private Water and Wastewater Services of Volume 1 are met, the maximum number of patrons of the restaurant shall be 50 people.

Schedules and Appendices

4.1.2 Appendices

a. That Volume 3: Appendix A - Site-Specific Key Map be amended by adding a new Site-Specific Area, R-___, on the north portion of 568 Ridge Road, as shown on Schedule “A” to this amendment.
Implementation:

A Niagara Escarpment Development Permit and Site Plan Application will give effect to this Amendment.

This is Schedule "1" to By-law No. 10-_____, passed on the ___ day of ___, 2010.

The City of Hamilton

_________________________     ______________________
Fred Eisenberger       Rose Caterini
Mayor                  Clerk
1.0 Notwithstanding Policy D.3.1.1 g) of Volume 1, on the lands known municipally as part of 568 Ridge Road, only a small scale restaurant in conjunction with and incidental to the winery shall be permitted subject to the following criteria:

a) The owner/applicant shall receive final approval of a Site Plan Control Application from the City of Hamilton.

b) The owner/applicant shall prove to the satisfaction of the City and the Niagara Escarpment Commission that a minimum of 2 hectares (5 acres) of the arable winery farm parcel upon which the winery is proposed is capable of and committed to producing grapes that are used in the winery, and a minimum of two-thirds of that 2 hectare area is in full grape production for use in the winery.

Schedules and Appendices

4.1.2 Appendices

a. That Volume 3: Appendix A – Site Specific Key Map be amended by adding a new Site Specific Area, R- _ on the north portion of 568 Ridge Road, as shown on Schedule “A” to this amendment.

Implementation:

A Niagara Escarpment Development Permit and Site Plan Application will give effect to this Amendment.

This is Schedule “1” to By-law No. 10-, passed on the day of 2010.

The City of Hamilton

______________________                                        ______________________
Fred Eisenberger       Kevin C. Christenson
Major        Clerk
Dear Alvin,

Further to our telephone conversation last week, please consider this our official opposition to the construction of the proposed Winery/Restaurant/Out buildings at the above-noted address.

In no way, in our opinion, could this proposed commerce possibly contribute to the Niagara Escarpment. This is a residential community. Increased traffic, sewage issues, transportation and roadway issues (i.e. transport trucks) using an already incompetent roadway at the top of Dewitt Road and surrounding arteries would only magnify and intensity difficulties of an already delicate rural route. Further compromising the natural habitat of our valued Niagara Escarpment, this would impede and hinder the success of the Dofasco Trail located on 5th Road - just east of Dewitt and Tapleytown Road.

There is only one Niagara Escarpment in this world, and we are privileged enough to enjoy a part of it. We need to oppose this proposal as a community in order to preserve and protect our one and only Niagara Escarpment.

Please contact us with any further correspondence regarding this matter.

Sincerely,

Bryan and Lori Schneck
775 Ridge Road
Stoney Creek, Ontario
L8J 2Y3