SUBJECT: Applications to Amend the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 1718 Wilson Street West (PED07060) (Ward 12)

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-06-19, Nick Koppelaar, owner**, for a change in designation on Schedule “A” – Land Use – Rural Area of the Town of Ancaster Official Plan, from “Agricultural” to “Agricultural – Special Policy Area”, to permit Agricultural Fairgrounds, on the property located at 1718 Wilson Street West (Ancaster), as shown on Appendix “E” to Report PED07060, on the following basis:

(i) That the subject lands be redesignated from “Agricultural” to “Agricultural – Special Policy Area”;

(ii) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED07060, be adopted by Council; and,

(iii) That the proposed Official Plan Amendment is consistent with the Greenbelt Plan and the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Zoning Amendment Application ZAC-06-72, Nick Koppelaar, owner**, for changes in zoning from the Agricultural “A” Zone to the Holding Agricultural “H-A-554” Zone (Block “1”) to permit Agricultural Fairgrounds and related uses, and from the Agricultural “A” Zone to the Private Open Space “O1-556” Zone (Blocks “2”, “3”, and “4”) to permit conservation and open space uses, for the property located at 1718 Wilson Street West (Ancaster), as shown on Schedule “A” to Appendix “B” of Report PED07060, on the following basis:

(i) That Block “1” be rezoned from the Agricultural “A” Zone to the Holding Agricultural “H-A-554” Zone;
(ii) That Blocks “2”, “3”, and “4” be rezoned from the Agricultural “A” Zone to the Private Open Space “O1-556” Zone;

(iii) That the draft By-law, attached as Appendix “B” to Report PED07060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(iv) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to Block “1” of the subject lands by introducing the Holding symbol ‘H’ as a prefix to the proposed Zone. The Holding provision will prohibit the development of the subject lands until such time that the owner:

(i) Conducts an archaeological assessment of the entire development property and mitigates; through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Culture and the City’s Manager of Development Planning; and,

(ii) Addresses all issues relating to the servicing of the subject property for the proposed use, to the satisfaction of the Ministry of the Environment, the Director of Building and Licensing, and/or the Director of Public Health Services.

City Council may remove the ‘H’ symbol and, thereby, give effect to the Agricultural “A” Zone, Modified provisions, by enactment of an amending By-law once the conditions are satisfied.

(v) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the Town of Ancaster Official Plan upon finalization of proposed Official Plan Amendment No.___.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applicant is requesting Official Plan and Zoning By-law Amendments to permit the development of the lands for the Ancaster Agricultural Fairgrounds, which will include a number of buildings to be used on an annual basis for the purposes of the Fair, in addition to related agricultural events. Staff has recommended a Holding provision for Block “1” (Schedule “A” of Appendix “B”) for the purposes of requiring an archaeological assessment, and to ensure that all issues relating to servicing are addressed prior to development.
SUBJECT: Applications to Amend the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 1718 Wilson Street West (PED07060) (Ward 12) - Page 3 of 17

The proposal has merit and can be supported as the change in land use designation and zoning are consistent with the Greenbelt Plan and the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

BACKGROUND:

The subject lands are located at the southwest corner of Wilson Street West and Trinity Road South and have an area of approximately 40 hectares. The lands are currently vacant with the exception of the remains of a barn foundation. The intent of the planning applications is to facilitate the relocation of the existing Ancaster Fairground operations to the subject lands. Wetlands have been identified at the northwest corner of the subject lands, and also within the southern portion of the property.

Proposal

The applicant is requesting an Official Plan Amendment to redesignate the subject lands (Appendix “E”) from “Agricultural” to “Agricultural – Special Policy Area” in the Ancaster Official Plan. The applicant is also requesting a Zoning By-law Amendment to rezone the lands in Block “1” (Schedule “A” of Appendix “B”) from the Agricultural “A” Zone to the Holding - Agricultural "H-A-554" Zone, and the lands in Blocks “2”, “3” and “4” from the Agricultural "A" Zone to the Private Open Space “O1-556” Zone.

The proposed modifications to the Agricultural “A” Zone, include permitting all recreational, commercial, livestock and public uses related to the Ancaster Agricultural Fair, with the following additional uses: a public hall; craft shows, trade shows and related uses; animal shows and training; auctions; a farmers’ market; and indoor storage associated with the Ancaster Agricultural Fair. The zoning includes modifications to permit a maximum lot coverage of 5%, a maximum building height of 16.0 metres, to require a landscaped area having a minimum width of 38.1 metres adjacent to the property located at 1772 Wilson Street West, and minimum setbacks of 7.0 metres from a pipeline right-of-way and 30.0 metres from all Wetlands.

The Private Open Space “O1-556” Zone would apply to all lands that have been identified as Wetland Areas, and would permit only conservation and open space uses. The submitted concept plan (Appendix "D") highlights the construction of new buildings on the subject lands. The principal structure, Marritt Hall, is considered the main building that will be used year-round for use by local groups for the purpose of providing meeting space. Other buildings are also proposed for the site, but will only be used at the time the Fair is in operation. These accessory buildings will be used for the purpose of display areas, and also for keeping animals strictly associated with the Fair. Proposed outdoor uses include an area for a demolition derby, in addition to a stage area for the hosting of various events during the time of the Fair. It is the intention of the Agricultural Society to provide an equivalent level of service and activity to that of their existing location at Garner and Southcote Roads.

Prior to the applicant obtaining a Building Permit, the ‘H’ Holding provision would have to be removed and approval of a full Site Plan Control Application is required to address all
matters relating to site design, environmental mitigation, site grading and servicing, landscaping, etc.

**Location:** 1718 Wilson Street West

**Owner:** Nick Koppelaar

**Property Description:**
- **Frontage:** Approximately 330.00 metres (Wilson Street)
- **Depth:** Approximately 915.00 metres
- **Lot Area:** Approximately 40.0 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>Subject Lands</td>
<td>Vacant</td>
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<tr>
<td></td>
<td>Agricultural “A” Zone</td>
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</tbody>
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**Surrounding Lands**

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<tbody>
<tr>
<td><strong>North</strong></td>
<td>Vacant</td>
<td>Agricultural “A” Zone and Rural Industrial “M5-143” Zone</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Industrial Building</td>
<td>Industrial “M1”, “M1-150” and “M1-182” Zones, Prestige Industrial “M2” and Light Industrial “M3” Zones</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Vacant</td>
<td>Agricultural “A” Zone</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Residential and Agricultural</td>
<td>Agricultural “A” Zone</td>
</tr>
</tbody>
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**ANALYSIS/RATIONALE:**

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:

   i) The proposal is consistent with the policies of the Greenbelt Plan and the Provincial Policy Statement.

   ii) The proposal conforms to and implements the “Rural Area” policies of the Hamilton-Wentworth Official Plan and is consistent with the policies of the City’s adopted Rural Official Plan.
iii) The proposed development is compatible with the surrounding area and can be considered a rural use that will serve the needs of the surrounding rural community.

2. As part of the City of Hamilton’s Rural Official Plan review in 2006, the proposed use of an agricultural fair was considered and, subsequently, added as a permitted use within the “Rural” land use designation. Planning staff worked with the consultant and the Ancaster Agricultural Society to create a policy that specifically permitted this use, subject to conditions.

The plan has been adopted by City Council and is pending approval by the Province. As such, the plan does not have legal status at this time. The proposed agricultural fairgrounds and related uses conform with the proposed Rural Official Plan.

The proposed Official Plan Amendment will incorporate the permitted use of an agricultural fairground, and applicable conditions from the “Rural” designation of the Rural Official Plan, within the proposed “Agricultural – Special Policy Area” designation for the site.

3. To implement the proposed fairgrounds relocation, the applicant requires modifications to the proposed “Agricultural” zoning. The proposed modifications consist of the following:

- To permit all recreational, commercial, livestock and public uses related to Agricultural Fairgrounds, with the following additional uses to be permitted on these lands: public hall; craft shows, trade shows and related uses; animal shows and training; auctions; farmers’ market; and indoor storage associated with the Ancaster Agricultural Fair;

- To permit a maximum lot coverage of 5%;

- To require a landscaped area with a minimum width of 38.1 metres to be provided and maintained abutting the property located at 1772 Wilson Street West;

- To permit a maximum height of 16.0 metres;

- To require a minimum 7.0 metre setback for the portion of lands that abut the TransCanada Pipeline (southerly lot line boundary of the subject lands); and,

- To require a minimum setback of 30.0 metres to be provided and maintained from the Private Open Space “O1-556” Exception Zone.
The applicant also requests the following modification:

- That a minimum parking ratio of 1 parking space per 6.67 persons for a total of 150 parking spaces be required.

The proposed use of the agricultural fairground can be considered an agriculturally related use as the Ancaster Agricultural Society has had a prominent role in the agricultural community for a number of years, with the annual Ancaster Fair promoting, supporting, and enhancing the agricultural community and rural way of life. The proposed permitted uses will allow the Fair to operate annually, and Marritt Hall to be used year round as a meeting space for groups, and committees associated with the Ancaster Agricultural Society. The range of permitted uses is consistent with the zoning of the lands for the Binbrook Fair.

The subject lands are approximately 40 hectares in size. With the requested maximum lot coverage of 5%, the lands could accommodate approximately 20,000 square metres of building envelope. The primary building on the lot, being Marritt Hall, would cover approximately 3,000 square metres, with the remaining coverage for accessory structures such as, but not limited to, a show arena, poultry barn, school fair building, and a storage garage. The proposed building coverage is 3%, or 12,000 square metres. The remaining 2%, or 8,000 square metres, would allow for future expansion. The existing Ancaster Fairgrounds contain approximately 6,500 square metres of building envelope on a 17.68 hectares lot for 3.6% lot coverage. Staff recognizes that the parcel of land is substantial in size, and as such, a 5% maximum lot coverage would not negatively impact surrounding land uses.

As a result of the preliminary circulation, the adjacent property owners located at 1772 Wilson Street West expressed concern over the proximity of the Fair Operation (see Appendix “C”) to their property. In response to this issue, the Ancaster Agricultural Society has agreed to provide a landscaped area having a minimum width of 38.1 metres, and a depth of 170.0 metres along the common property boundary. The specific plantings and/or berm that will create this buffer area will be determined through the Site Plan approval process. It should be noted that for the portion of land that is contained within the identified Wetland Area, this area will remain untouched, and the landscaped area will not encroach into the natural feature.

The applicant is requesting a maximum building height of 16.0 metres be permitted. This request can be supported as the buildings are internal to the site, and there would be no impact to surrounding lands as a result of the building height.

As requested by TransCanada Pipelines, a minimum 7.0 metre setback from their designated right-of-way, along the southern limit of the site, will be incorporated into the amending By-law.
The applicant requested a parking modification for a minimum of 1 space per 6.67 persons for a total of 150 parking spaces based on a building occupancy of 1,000 persons. The Zoning By-law requires a minimum of 1 space per 2 persons for a total of 500 spaces. Based on the extent of available land, staff is of the opinion that 500 spaces can be accommodated on-site to be used accessory to Marritt Hall year round. As a result, staff is recommending that the applicant meet the existing parking requirement. The details relating to parking access and layout would be reviewed at the Site Plan stage. The southerly portion of the lands are being retained for the purpose of parking during the times when the Ancaster Fair is in operation. The area used for the overflow parking will be retained as grassed area in order to minimize any negative effect.

The proposal facilitates the relocation of the Ancaster Fairgrounds and minimizes impacts to adjacent properties. The built form will be comprehensively reviewed by the City and relevant agencies at the Site Plan approval stage.

4. Staff notes that there are no public watermains nor municipal storm or sanitary sewers available on this section of Wilson Street West and Trinity Road to service the subject lands. Furthermore, this property is outside the Urban Boundary as defined by the Hamilton-Wentworth Official Plan.

In accordance with the Hamilton-Wentworth Official Plan, and the adopted Rural Official Plan, municipal services are not permitted to extend beyond the limits of the Urban Boundary.

The Owner has submitted a Hydrogeological Assessment for the subject lands, prepared by Terraprobe Limited, dated August 14, 2006, which has been reviewed by the Public Works Department. The Department has concluded that the yields from wells, as a source of potable water, will not be sufficient to support the full demands of the proposed development. The Department also concludes that any on-site sewage treatment system proposed for this property will need to be supplemented by portable washrooms during events at the proposed banquet facility and the Ancaster Fair event. The applicant has since indicated their desire to explore the use of a cistern/holding tank.

Staff recommends that all issues relating to the servicing of the subject property for the proposed use must be addressed to the satisfaction of the Ministry of the Environment, the Director of Building and Licensing, and/or the Director of Public Health Services, prior to the commencement of any development. As such, the lands shall be placed in an ‘H’ Holding Zone until such time as all servicing issues are addressed. It is likely that the applicant will be required to submit a satisfactory Hydrogeological Assessment for well water implementation and obtain MOE approval for a septic system as part of clearing this condition.

The future width of Trinity Road from Wilson Street West (Highway No.2) to 600 feet southerly, is 120 feet. Records indicate that the City of Hamilton does not require any additional lands from this property to widen this section of Trinity
Road. From 600 feet south of Wilson Street West (Highway No.2) to Sawmill Road, the future width of Trinity road is 100 feet. The applicant will be required, as a condition of site plan approval, to convey sufficient lands to the City for widening purposes to establish this future width. Records indicate that the City does not require any additional lands from this property for road widening purposes on Wilson Street West.

5. Staff notes that the property meets four of the Ministry of Culture’s 11 criteria for determining archaeological potential as follows: the lands are located within 300 metres of water; within 250 metres of known archaeological sites; documentary evidence, local knowledge or oral history associates the property with historic activities, events or occupations; and, it is within 100 metres of two historic transportation corridors. These criteria define the property as having archaeological potential. As a result, the lands should be placed in an ‘H’ Holding Zone until such time as an Archaeological Assessment has been conducted on the subject property to the satisfaction of the Ministry of Culture and the City’s Manager of Development Planning.

6. The applicant has submitted a Scoped Environmental Impact Study (EIS) that has been reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). ESAIEG’s recommendations are provided on Page 16 of this report. The Grand River Conservation Authority (GRCA) has also reviewed the submitted Environmental Impact Study (see Page 16). Staff concurs with the recommendations of both ESAIEG and the GRCA, and has recommended that the identified wetland areas (Blocks “2”, “3” and “4” of Schedule “A”, Appendix “B”) be rezoned to a Private Open Space “O1-556” Zone to permit only conservation and open space uses, and to prohibit any access roads through the wetlands, and that a minimum 30.0 metre buffer from that zone be required. Environmental issues regarding site design and the access driveway will be addressed at the Site Plan Control Stage. As a commenting agency, the Grand River Conservation Authority will review the site plan, to ensure that the proposed development will have no negative impact on the natural features or ecological functions of the identified wetlands complex.

7. As a result of the preliminary circulation of the applications, one letter was received (see Appendix “C”). Issues raised include devaluation of property, loss of privacy, animal waste disposal, noise, garbage, and security. These issues are discussed below:

**Property Values**

Staff is not aware of any information, studies or empirical data that would support the concern about property devaluation.
Loss of Privacy and Noise

In response to these issues, the Ancaster Agricultural Society has agreed to provide a landscaped area having a minimum width of 38.1 meters adjacent to the neighbouring property located at 1772 Wilson Street West which is addressed on page 6 of this report.

Animal Waste Disposal/Garbage/Security

The Ancaster Agricultural Society conducts the annual fair for one weekend a year. As explained by the Agricultural Society, this is the only time that animals will be kept on the site. It is common practice of the Fair to ensure that all animal waste is removed from the site after the last day of the fair. Throughout the daily operations, garbage containers and recycle bins are provided, and people are hired to ensure that garbage containers and recycle bins are contained. At the end of the three day event, the City of Hamilton does provide municipal pick-up for both waste and recyclable material. With respect to security, the Fair hires a private security company for the three day event at which time traffic is directed, and pedestrian patrol is conducted.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed applications for amendments to the Official Plan and Zoning By-law be denied, the uses permitted on the subject lands would be in accordance with the Agricultural “A” Zone.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Official Plan and Zoning By-law Amendments.

**POLICIES AFFECTING PROPOSAL:**

Greenbelt Plan

The subject lands are designated “Protected Countryside – Prime Agricultural Area” within the Greenbelt Plan. Section 3.1.3.1 of the Plan allows normal farm practices, and a full range of agricultural, agriculture-related and secondary uses.

Policy 3.2.4.2 states that beyond the natural heritage system within the Protected Countryside, key hydrologic features are defined by and subject to the natural feature policies of section 3.2.4. Additionally, Policy 3.2.4.4 states that in the case of wetlands,
seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the vegetation protection zone shall be a minimum of 30 metres wide measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

Policy 3.2.4.5 states that a proposal for new development or site alteration within 120 metres of a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation and hydrological evaluation, which identify a vegetation protection zone that:

a) Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during, and after, construction, and where possible, restores or enhance the feature and/or its function; and,

b) Is established to achieve, and be maintained as natural self-sustaining vegetation.

In response, the applicant has submitted an Environmental Impact Statement that has been reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), the Grand River Conservation Authority, and City staff. The boundaries of the wetlands have been surveyed, and will be zoned accordingly. A minimum 30.0 metre buffer from the identified wetlands will be incorporated in the amending By-law.

Lastly, Policy 4.4.2 states that Greenbelt Municipalities should work to identify and protect cultural heritage resources and plan toward maintaining, developing and using these resources in a manner that will benefit the local community and be compatible with the Greenbelt’s vision and goals. As a result, the lands will be placed in an ‘H’ Holding Zone until such time as the owner conducts an archaeological assessment of the subject lands to mitigate, through preservation and/or resource removal, any adverse impacts to any significant archaeological resources found.

As such, the proposal is consistent with the policies of the Greenbelt Plan.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that regulate growth in the Rural Areas, Policy 1.1.4.1.

Policy 2.1.1 states that natural features and areas shall be protected for the long term. Furthermore, Policy 2.1.2 states that the diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity of natural heritage systems, should be maintained and restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. The applicant has submitted an Environmental Impact Study which has been reviewed by the Environmentally Sensitive Areas Impact
Evaluation Group (ESAIEG), the Grand River Conservation Authority, and City staff, and is addressed in the Analysis/Rationale section of this report.

Lastly, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. The lands will be placed in an ‘H’ Holding Zone until such time as an archaeological assessment is completed.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Rural Area – Prime Agricultural Area” within the Hamilton-Wentworth Official Plan. Policy 3.2.2 outlines that a wide range of uses, defined through Area Municipal Official Plans are permitted within Rural Areas. Additionally, 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 subjects will be placed in an ‘H’ Holding Zone until such time as an archaeological assessment is completed.

The proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**Town of Ancaster Official Plan**

The subject property is designated “Agricultural” on Schedule “A” – Land Use – Rural Area” in the Town of Ancaster Official Plan. An Official Plan Amendment is required to redesignate the lands from “Agricultural” to “Agricultural – Special Policy Area”, in order to permit the proposed development. The following policies from the Town of Ancaster Official Plan are applicable to the proposal:

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4.1.2 Other uses, ancillary to agricultural production or necessary in the Agricultural area, generally may also be permitted.

4.1.6 Uses permitted by Policy 4.1.2 or 4.1.3 vii) shall be located and developed so as to minimize the negative effects on surrounding uses and will not interfere with the expansion of farming operations. In considering the appropriateness of non-agricultural uses permitted in these policies, regard shall be given to the following:

i) The necessity of the proposed use to serve the needs of the rural community and the suitability of the land for agricultural purposes, further whether the use can be directed towards lands less suited for agriculture;
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The availability of alternate suitable locations within the Urban Area and Rural Settlements, and the appropriateness of the proposed use to the Agricultural Area;

The physical suitability of the site for the proposed use;

Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

The adequacy of facilities to service the proposed use and the cost of provision of necessary services;

The cumulative long term impact of the proposed development on the natural capability of the land to provide a potable source of water and to safely accommodate the disposal of sanitary sewage; and

The potential for environmentally based conflicts with existing and proposed uses in the area or other environmentally sensitive land use areas.”

The permitted uses of the current designation do not recognize agricultural fairgrounds. As a result, an amendment is required to allow the proposed use to be established (the proposal is permitted by the Rural Official Plan). In evaluating the appropriateness of other uses, the above noted policies are to be considered.

Other possible sites for the relocated fairgrounds were explored, however, the subject lands were deemed to be the most appropriate for such a use. Other sites explored included several parcels of land within the Rural Area, however, restrictions relating to the Niagara Escarpment Plan posed an issue, other sites were heavily treed and would have required substantial tree removal in order to be utilized, and two other sites would have required the displacement of existing agricultural operations in order to establish the proposed use of the Ancaster Fairgrounds. The subject lands were farmed last year for the purpose of wheat, however, it is currently vacant. The site has been deemed ideal by the Ancaster Agricultural Society as a result of being located at the corner of Wilson Street West and Trinity Road South, without having to move traffic into the surrounding agricultural area, and the lot area being sufficient in size. The property is located adjacent to the limits of the existing Urban Boundary, and the proposed use does not compromise the character of the surrounding area.

The use of the existing Ancaster Fairgrounds located on Garner Road has continued since 1950. As a result of urban growth, the lands that were once considered rural are now surrounded by on-going land development. In response, the Ancaster Agricultural Society have had to explore potential lands for relocation in order that they be able to continue operations without impacting surrounding residential land uses. The lands that
are the subject of this application have been secured by the Ancaster Agricultural Society.

The Ancaster Agricultural Society has had a prominent role in the agricultural community for a number of years, with the annual Ancaster Fair promoting and supporting the agricultural community and rural way of life. Continuation of this use will be accomplished by way of the proposed new Marritt Hall, which will accommodate the existing agricultural programs and facilities. The proposed relocation also presents opportunities for the creation of research programs, as well as educational facilities to be used by local schools for the on-going education of agriculture in the community.

As the lands are located within the Rural Area, there are no municipal services available to service the site. Services must be addressed to the satisfaction of the Ministry of the Environment, the Director of Building and Licensing, and/or the Director of Public Health Services prior to development. This is required as a condition of the ‘H’ Holding provision.

Through the review of existing conditions of the site, wetland areas have been identified and a Phase 2 Environmental Impact Study has been submitted to address mitigation measures. Staff of the Grand River Conservation Authority, ESAIEG, and the City of Hamilton has reviewed these documents, which are addressed in the Analysis/Rationale Section of this report.

The property is subject to Site Plan Control and, as a result, matters dealing with site design will be addressed at that time.

City of Hamilton Rural Official Plan (pending Ministry approval)

As part of the City of Hamilton’s Rural Official Plan review in 2006, the proposed use of an agricultural fair was considered and, subsequently, added as a permitted use within the “Rural” land use designation. Planning staff worked with the consultant and the Ancaster Agricultural Society to create a policy that specifically permitted this use, subject to conditions.

The plan has been adopted by City Council and is currently pending approval by the Province. As such, the plan does not have legal status at this time. The proposed agricultural fairgrounds and related uses are consistent with that of the proposed Rural Official Plan.

The proposed Official Plan Amendment will permit an agricultural fairground, subject to the applicable conditions within the proposed Rural Official Plan.

The following conditions as contained within Section 4.1.1 of the Rural Official Plan are applicable:

“c) Any new or expanded use proposed within 500 metres of a designated Rural Settlement Area or an estate residential development recognized as a site-
specific policy area by this Plan shall provide evidence to the satisfaction of the City that there are no negative effects on the Rural Settlement Area or the estate residential development with respect to noise, vibration, lighting, traffic, and ground water.

d) The development shall be compatible with surrounding land uses and the rural landscape; and,

e) A Zoning By-law amendment and Site Plan approval shall be required to permit the use and address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening and landscaping, and any other matters.”

A full Site Plan Control Application is required to address all items relating to site design, environmental mitigation, site grading and servicing, landscaping, and other relevant site planning matters. As previously indicated, an Environmental Impact Study has been completed, and appropriate uses and setbacks are included in the recommended zoning.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Public Works Department (Traffic Engineering & Operations Section)
- Public Works Department (Operations and Maintenance - Forestry Section)
- Corporate Services (Budgets and Finance)
- Community Services Department (Culture and Recreation Division)

**Public Works Department (Capital Planning and Implementation Division, Strategic and Environmental Planning Section) have advised of the following:**

The cursory review of the Hydrogeological Study submitted with the application appears to identify the following private servicing issues:

The ground water well yields are not considered to be sufficient to support the full demands for the proposed development. In the event on-site potable water is to be used, specific water quality data will be required to address the suitability of the ground water for human consumption. The ground water table is one to two metres below ground levels, and as a result, any conventional or filter type septic beds must be raised above ground.

The site will require on-site sewage treatment since banquets holding events of up to 425 people can be expected. A Certificate of Approval will likely be required. Further discussions with the Ministry of Environment and the City of Hamilton will be required. For the Ancaster Fair, portable washrooms will be required.

The Section advises that the Official Plan and Information Planning Section have stated that this site cannot connect to any municipal sanitary sewer or water main for use for fire fighting or any other use. They are in agreement with this, but also have concerns
that the Hydrogeological Study has not provided complete assurance that the servicing
demands of the site can be met based entirely on private well water supply and the
provision of private septic systems.

As a result of the above, staff recommends that all servicing matters be to the
satisfaction of the Ministry of the Environment, City’s Director of the Building and
Licensing Division, and/or the City’s Director of Public Health Services, prior to the
removal of the ‘H’ Holding provision.

**TransCanada Pipeline** has advised of the following:

Within the TransCanada right-of-way, there is a high pressure natural gas pipeline, and
a second pipeline, abutting the south limit of the property. Any development within 200
metres of TransCanada’s facilities may affect the safety and integrity of those facilities.

The following provision should be incorporated into the site specific By-law: “All
permanent structures and excavations shall be located at least seven metres from the
limits of TransCanada’s right-of-way, and accessory structures and lots with side yards
abutting the right-of-way shall have a minimum setback of at least three metres from the
limit of the right-of-way.”

There are no objections to the proposed applications, however, TransCanada has
requested to be circulated at the Site Plan Control stage at which time matters dealing
with fencing and landscaping requirements will be dealt with at that point in time.

As a result, staff is incorporating a minimum 7.0 metre setback for all buildings and
structures, from the TransCanada Pipeline.

**The Grand River Conservation Authority (GRCA) have advised of the following:**

Tributaries 1 and 4 are regulated under the GRCA’s *Development Alterations to
Shorelines and Watercourses and Interference with Wetlands Regulation (150/6)*. This
feature does exhibit a defined bed and bank and is accompanied by an estimated
floodplain. It was determined that this tributary is likely indirect fish habitat. A wetland
complex is also present along the riparian edge of the feature. The wetland areas
identified as Units 1, 2 and 3 are also subject to *Regulation 150/06*. Permits will be
required from the GRCA where development is proposed within the GRCA’s regulation
limits.

The GRCA has no objection to the proposed Rezoning and Official Plan Amendment,
provided that the natural features identified as Tributaries 1 and 4, and the wetland
features labelled as Units 1, 2 and 3, in the Environmental Impact Statement are
designated and zoned with prohibitive environmental provisions.

To address this, staff has recommended that the identified wetland areas be rezoned to
a Private Open Space Zone, and that a minimum 30.0 metre setback from that zone be
provided. Existing policies in the Official Plan also protect these areas.
Other issues regarding the site design and access driveway will be addressed at the Site Plan Control Stage. The Grand River Conservation Authority will also be a reviewing agency at that time, to ensure that the proposed development will have no negative impacts on the natural features or ecological functions of the identified wetlands complex.

The Environmentally Significant Areas Impact Evaluation Group (ESAIEG) has advised of the following:

The applicant has submitted an Environmental Impact Study (EIS), prepared by EcoPlans Limited, that was reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) on January 18, 2007.

The recommendations of ESAIEG are as follows:

1. That any construction occurring near the frontage of Wilson Street West will be located as far to the east as possible in order to avoid encroachment within the identified wetland area.

2. That the flows from Tributary 2 and 3 located on the southerly portion of the subject lands be rerouted to the Tributary 1 and 4, by way of overland swales as opposed to by ditch as noted in the submitted Environmental Impact Statement.

3. That all wetland areas and associated 30.0 metre buffer areas be maintained at their natural grade with all natural vegetation remaining.

4. That at the time of the Site Plan Control application, ESAIEG has requested that they be circulated the submitted Grading Plan and Storm Water Management Plan.

ESAIEG recommends that the mitigation measures outlined in the submitted EIS be implemented during the site plan process, which will include standard conditions relating to sediment and erosion control techniques, timing of construction, and the maintenance of buffer areas.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to twenty-one property owners within 120 metres of the subject lands. Two Public Notice signs were also posted on the site, one located along the frontage of Wilson Street West, with the other being located along the frontage of Trinity Road South. In addition, the owner initiated a Public Information Meeting on June 8, 2006, advising residents of the development proposal. To date, staff has received one letter on the proposal, attached as Appendix “C”, which is addressed in the Analysis/Rationale Section of this report.
Notice of Public Meeting will be circulated and a Public Notice sign posted on the property in accordance with the requirements of the Planning Act.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

**Community Well-Being is enhanced.** ☑ Yes ☐ No
Partnerships are promoted. The public are involved in the definition and development of local solutions.

**Environmental Well-Being is enhanced.** ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

**Economic Well-Being is enhanced.** ☑ Yes ☐ No
Hamilton’s high-quality environmental amenities are maintained and enhanced.

**Does the option you are recommending create value across all three bottom lines?**
☑ Yes ☐ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**
☐ Yes ☑ No

:SM
Attachs. (5)
This is Schedule "A" to By-Law No. 07-
Passed the .......... day of ...................., 2007

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Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 07-______
to Amend By-law No. 87-57

Subject Property
1718 Wilson Street West

- Block 1 - Change in zoning from the Agricultural "A" Zone to the Holding Agricultural "H-A-554" Exception Zone
- Blocks 2, 3 & 4 - Change in zoning from the Agricultural "A" Zone to the Private Open Space "D1-556" Exception Zone

Scale: N.T.S.
File Name/Number: ZAC-06-72 / OPA-06-19
Date: Nov. 27, 2008
Planner/Technician: SMWC

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 87-57,
Respecting Lands Located at 1718 Wilson Street West (Ancaster)

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 Ancaster" 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. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ___ of Report of the Economic Development and Planning Committee at its meeting held on the day of ___, 2007, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the former Town of Ancaster, upon approval of Official Plan Amendment No. ____:
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map 2 to Schedule “A” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A” Zone to the following:

(a) Holding Agricultural “H-A-554” Exception Zone, for lands comprised in Block “1”; and,

(b) Private Open Space “O1-556” Exception Zone, for lands comprised in Blocks “2”; “3” and “4”; the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this by-law.

2. Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

**H-A-554**

(1) That notwithstanding Section 8.1, only the following uses shall be permitted:

All recreational, commercial, livestock and public uses related to Agricultural Fairgrounds, with the following additional uses to be permitted;

(a) Public Hall;
(b) Craft shows, trade shows and related uses;
(c) Animal shows and training;
(d) Auctions;
(e) Farmers’ Market;
(f) Indoor storage associated with the Ancaster Agricultural Fair; and
(g) Agricultural Education Programs.

(2) All permitted uses identified in Clauses (a) to (f) inclusive of Paragraph 1 shall be subject to the following:

**Development Regulations:**

(a) Maximum Lot Coverage: 5%
(b) Maximum Building Height: 16.0 metres
Appendix “B” to Report PED07060 (Page 3 of 5)

(c) Minimum Setback from the southerly lot line: 7.0 metres

(d) No building, structures, or use of land shall be permitted within 30.0 metres of the Private Open Space “O1-556” Exception Zone.

(e) A landscaped area having a minimum width of 38.1 metres shall be provided and maintained along the westerly lot line abutting the property at 1772 Wilson Street West.

(f) All other provisions of Zoning By-law No. 87-57 as applicable to the Agricultural “A” Zone shall apply.

(3) That the ‘H’ symbol shall only be removed conditional upon:

a) The owner conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found to the satisfaction of the Ministry of Culture, and the Manager of Development Planning; and,

b) The owner addressing all issues relating to the servicing of the subject property, to the satisfaction of the Ministry of the Environment, the Director of Building and Licensing, and/or the Director of Public Health Services.

City Council may remove the ‘H’ symbol and, thereby give effect to the Agricultural “A-554” Exception Zone, by enactment of an amending By-law once the above conditions have been satisfied.

**O1-556** That notwithstanding Section 32, only the following uses shall be permitted:

(1) (a) Conservation and Open Space.

3. That the amending By-law be added to Map 2 to Schedule “A” of Ancaster Zoning By-law No. 87-57.

4. 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.
5. This By-law No.____ shall come into force and be deemed to come into effect in accordance with subsection 34(21) of the Planning Act either upon the date of passage of this By-law or as otherwise provided by the said subsection.

PASSED and ENACTED this day of , 2007.

____________________________________  ________________________________
MAYOR                                CLERK

OPA-06-19 & ZAC-06-72
Appendix “B” to Report PED07060 (Page 5 of 5)

This is Schedule “A” to By-Law No. 07-
Passed the ............. day of ...................., 2007

Clerk

Mayor

Schedule “A”

Map Forming Part of By-Law No. 07-____
to Amend By-law No. 87-57

Subject Property
1718 Wilson Street West

- Block 1 - Change in zoning from the Agricultural “A” Zone to the Holding Agricultural “H-A-554” Exception Zone
- Blocks 2, 3 & 4 - Change in zoning from the Agricultural “A” Zone to the Private Open Space “D1-556” Exception Zone

Scale:
N.T.S.

File Name/Number:
ZAC-09-72 / OPA-06-19

Date:
Nov. 27, 2008

Planner/Technician:
SMMCC

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
October 17, 2006

City of Hamilton
Planning & Economic Development Department
Development & Real Estate Division
City Hall, 71 Main Street West, 7th Floor
Hamilton, ON
L8P 4Y5

Attn: Shannah Murray

Re: File Nos. OPA-06-19 / ZAC-06-72

We are writing to express our concerns over the zoning by-law amendment application filed for the property at 1718 Wilson Street West (“1718 Wilson”).

We own and occupy the property at 1772 Wilson Street West, which lies next to 1718 Wilson, on the west side. Our house sits approximately 10 feet from the edge of the property line where it meets 1718 Wilson, and as such we are the neighbour most affected by this zoning application.

We are very concerned about a loss of privacy, as well as a negative impact on our property value should the Ancaster Fairgrounds be moved to this location. As stated above, our house sits approximately 10 feet from the property line. Our great room is located on this side of the house, with three large windows overlooking what is currently the Green Belt. Should the Ancaster Fairgrounds move to this location, our view would consist of an exit road, demolition derby pit, midway and amphitheatre according to the proposed layout. As our house sits higher than the surrounding property, even the addition of a berm separating us from the Fairgrounds would not resolve this issue, and in any case would obstruct our view as the property line is so close to the edge of our house.

In addition, we have the following financial, aesthetic and environmental concerns:

- Devaluation of our property;
- Fluid leaks from the demolition derby polluting ground water;
- Animal waste disposal;
- Noise from the exit road, demolition derby and midway being so close to our property;
- Garbage blowing onto our property;
- Dust from traffic traveling on the Fairgrounds exit lane which is planned to be situated alongside our property;
- Security of our property;
- Change of landscape due to regrading and erection of buildings at 1718 Wilson.
We purchased our property almost two years ago, in December 2004. At the time of purchase, we looked into the zoning of surrounding lands. We determined that 1718 Wilson was zoned agricultural and was to be included within the area covered by Green Belt legislation. This led us to believe that the land would continue to be used for traditional agriculture purposes for at the very least the duration of the Green Belt legislation. We purchased our property with the intention of living here for the long-term, believing it to be an ideal location – close to the City, but protected from future development due to Green Belt legislation. Before purchasing our property, we also ensured that we would be able to undertake construction projects that we envisioned – the construction of an addition to the existing house, as well as major renovations to much of the existing house. We have been working on these renovation projects since taking possession of the property in April 2005, and as such have invested significant finances into our property. Our renovations are still ongoing.

We have had amicable discussions with several representatives of the Ancaster Fair about our concerns. However, there has not been any formal commitment on the part of the Fair to address these concerns. One potential resolution that we have discussed with the Fair representatives is for the Fair to apply for a lot line adjustment and grant us an additional strip of land along the east side of our property, as well as to involve us in the landscape design of the Fairgrounds where they abut our property, in order to ensure our privacy and enjoyment of our home and minimize the devaluing of our property. We would also need to be ensured that all of our environmental concerns have been adequately addressed and resolved.

We would like to propose that the application for zoning change only be approved subject to an agreement being reached between the City, Ancaster Fair and ourselves that addresses our concerns, and is both reasonable and acceptable to all parties.

With respect,

Braden & Karen Mann
1772 Hwy #2
Jerseyville, ON
L0R 1R0
Appendix “E” to Report PED07060 (Page 1 of 3)

Schedule "1"

DRAFT
Amendment
to the

Former Town of Ancaster Official Plan

The following text together with Schedule F, Specific Policy Area of the former Town of Ancaster Official Plan attached hereto, constitutes Official Plan Amendment No. ---- to the Official Plan of the former Town of Ancaster.

Purpose:

The purpose of the Amendment is to permit the relocation of the Ancaster Fairgrounds to the subject lands, located at 1718 Wilson Street West, in the former Town of Ancaster.

Location:

The lands affected by the Amendment are located on the south-west corner of Wilson Street West and Trinity Road South at 1718 Wilson Street West in the former Town of Ancaster.

Basis:

The intent of the Amendment is to a permit the relocation of the Ancaster Fairgrounds. The basis for permitting the proposal is as follows:

- The proposal is consistent with the policies of the Greenbelt Plan and the Provincial Policy Statement.
- The proposal conforms to and implements the “Rural Area” policies of the Hamilton-Wentworth Official Plan and is consistent with the policies of the City’s adopted Rural Official Plan.
- The proposed development is compatible with the surrounding area and can be considered a rural use that will serve the needs of the surrounding rural community.
**Actual Changes:**

That the Official Plan of the former Town of Ancaster be amended as follows:

1. Schedule "F" – Specific Policy Area – be revised by adding the subject lands as Specific Policy Area ## as shown on the attached Schedule “A” of this amendment.

2. That Section 5.7 be amended by adding policy 5.7.## as follows:

   5.7.## For the lands identified on Schedule F as Specific Policy Area ###, and known municipally as 1718 Wilson Street West, and further to policies 4.1.1 and 4.1.2 of this Plan an agricultural fairground shall be permitted.

**Implementation:**

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

This is Schedule "1" to By-law No. _____, passed on the ----- day of ------, 2007.

The City of Hamilton

_______________________                               __________________________
Mayor        Clerk
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to the

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Implementation:

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

This is Schedule "1" to By-law No. ______, passed on the ---- day of ------, 2007.

The City of Hamilton

______________________________  ______________________________
Mayor                                  Clerk