TO: Chair and Members  
Economic Development and  
Planning Committee  

WARD(S) AFFECTED: Ward 9  

COMMITTEE DATE: October 5, 2010  

SUBJECT/REPORT NO:  
Ontario Realty Corporation (ORC) Surplus Land - Project 8098 – Located at 527 Highland Road West, Described as Part of Lot 33, Concession 8, former Township of Saltfleet, now City of Hamilton (PED10209)  

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

PREPARED BY:  
Darlene Cole  
(905) 546-2424, Ext. 7910  

SIGNATURE:  

RECOMMENDATION  

(a) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC), acting as agent on behalf of Her Majesty the Queen in Right of Ontario as represented by the Minister of Public Infrastructure Renewal that the City of Hamilton has no interest in acquiring their land, located at 527 Highland Road West, legally described as Part of Lot 33, Concession 8, in the former Township of Saltfleet, now City of Hamilton, being Part of PIN 16932-0017(LT), as shown on Appendix “A” attached to Report PED10209; and,  

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the ORC of the City of Hamilton requirements to the development of the site as contained in the “Relevant Consultation” section of Report PED10209.
SUBJECT: Ontario Realty Corporation (ORC) Surplus Land - Project 8098 – Located at 527 Highland Road West, Described as Part of Lot 33, Concession 8, former Township of Saltfleet, now City of Hamilton (PED10209) (Ward 9)- Page 2 of 7

EXECUTIVE SUMMARY

The Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department is seeking Council’s direction to advise the ORC that the City of Hamilton has no interest in acquiring the surplus lands located at 527 Highland Road West, legally described as Part of Lot 33, Concession 8 in the former Township of Saltfleet, as shown on Appendix “A” to Report PED10209.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (For Recommendation(s) Only)

Financial: n/a
Staffing: n/a
Legal: n/a

HISTORICAL BACKGROUND (Chronology of Events)

The information and recommendation contained in this Report primarily affect Ward 9.

ORC is deeming the lands located west of the proposed Trinity Church corridor, south of Highland Road as surplus to its requirements. This is a vacant, rectangular parcel comprising an area of approximately 9.47 hectares (23.42 ac) currently in agricultural production. The subject property is strategically situated in a high profile area at the entrance of the Hamilton Mountain Business Park, abutting the proposed Trinity Church Road corridor which leads to the Red Hill Business Park.

Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department circulated ORC’s information internally to determine if there was a municipal interest in acquiring the lands. The circulation confirmed no municipal need for the subject property.

POLICY IMPLICATIONS

As no municipal need has been identified, Council’s direction is being sought to allow staff to advise the ORC that the City of Hamilton has no interest in acquiring the lands.

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

The following departmental comments were received:

**Legislative Approvals:**

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

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

The subject property is duly designated as “Urban Area” and “Urban Area – Business Park” within the Hamilton-Wentworth Regional Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Policy C-3.1.3.1 states that business parks are to accommodate:

(a) A full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses; and,

(b) Service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail – wholesale uses requiring site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores and automobile dealerships).

The subject property is designated “Industrial” and “Open Space” on Schedule “A”-Land Use Concept, and Schedules “B” - Special Policy Areas and “B-3” - Other Special Policy Areas refer to the lands as Area 11(a) in the City of Hamilton Official Plan.
The subject property is zoned “M-12”, “M-13” and “M-14” (Prestige Industrial) Districts and “A” (Conservation, Open Space, Park and Recreation) Districts in City of Hamilton Zoning By-law No. 6593.

Rezoning application ZAC-07-109 was submitted in 2007 to apply consistent industrial zoning on the subject lands and expand the range of permitted uses, to include a transportation depot and accessory retail uses, in keeping with the draft employment zones for the City's new Zoning By-law No. 05-200. The application was considered by the Economic Development and Planning Committee on August 10, 2009, and, while Committee supported the approval of the applications, the By-law is being held in abeyance until such time that an Agreement with the City of Hamilton for the transfer of the Trinity Church Road Corridor and east-west corridor lands is completed, to the satisfaction of the Directors of Planning and Development Engineering.”

Community Planning:

The following planning framework also applies to the subject property:

“Urban Hamilton Official Plan” designation (Council Adopted):
Schedule “E-1” – Urban Land Use – Business Park

Hamilton Official Plan” designation:
Schedule “A” – Land Use Concept – Industrial

There are no approved Secondary or Neighbourhood Plans covering this property.”

Community Planning – Archaeology:

“The subject property meets 5 of the 10 criteria used by the City of Hamilton and Ministry of Culture for determining archaeological potential:

1) Within 250 metres of known archaeological sites;
2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
3) In the vicinity of distinctive or unusual landforms;
4) In areas of pioneer EuroCanadian settlement; and,
5) Along historic transportation routes.

These criteria define the property as having archaeological potential and future owners of the property should be advised of the following:
The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances, and an archaeological assessment should be conducted prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 testing and Stage 4 mitigation may be required as determined by the Ontario Ministry of Culture (MCL). All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MCL.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCL should be notified immediately (416-314-7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-326-8392).

**Environment and Sustainable Infrastructure:**

“The East Mountain Trail loop is slated to pass through these lands from East to West crossing the proposed Trinity Church Road Extension as well. We understand there is a Secondary Plan process underway currently and that any trail development will need to be co-ordinated with this process according to the Planning Act. The alignment of this trail corridor is crucial as it must meet up with the trail connect at the Conservation Authority lands to the East and City owned lands to the West. In addition, the Trinity West proposed Secondary Plan has a Neighbourhood Park that would connect to the trail. The East Mountain Trail Loop concept and alignment was approved by Council as part of the Open Space Replacement Strategy (Council Report PW-04-051A).

Sufficient lands must be dedicated for the Trinity Church Arterial Corridor road, daylight triangles for roundabouts at Highland Road and at the Trinity Neighbourhood Collector Road. Direct access to future development lands from the Trinity Church Arterial Corridor is not recommended.

Property is within the City urban boundary with municipal sanitary sewer and watermain on Highland Road.”

**Building Services:**

“Development of the lands may require rezoning for a portion of all of the lands.
The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Planning and Development Division. For further information, please contact (905) 546-2424 extension 1355.

The property is subject to the issuance of a building permit in the normal manner for construction of new buildings and a demolition permit for demolition of existing buildings.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(Include Performance Measurement/Benchmarking Data, if Applicable)

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

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If staff does not respond to ORC within the allotted time period, it will be treated as a negative response.

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


**Skilled, Innovative & Respectful Organization**

- n/a

**Financial Sustainability**

- n/a

**Intergovernmental Relationships**

- Continuing an effective relationship with the Province of Ontario and its land management staff.

**Growing Our Economy**

- n/a

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Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: 2010-050
Date: July 5, 2010
Appendix "A"
Scale: N.T.S.
Planner/Technician: DCGNS
Subject Property

527 Highland Road
1631 Rymal Road
0 Upper Mt. Albion Road
Part of Lots 33, Concession 8
City of Hamilton
(former Township of Saltfleet)

PIN # 16932-0017(LT)

Area: 9.47 HA (23.42 AC)