TO: Chair and Members  
Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 9

COMMITTEE DATE: September 21, 2010

SUBJECT/REPORT NO:
Ontario Realty Corporation (ORC) Surplus Land - Project 8096 - Located at 1961 Rymal Road East, Described as Parts 12, 36 and 37, Plan 62R-17418, Former Township of Saltfleet, now City of Hamilton (PED10212) (Ward 9)

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 Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC) that the City of Hamilton has no interest in acquiring their land located at 1961 Rymal Road East, legally described Parts 12, 36 and 37, Plan 62R-17418, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report PED10212;

(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 PED10212;

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(c) That the Hamilton Conservation Authority be notified that the subject land is being declared surplus by the ORC. It is further recommended that any lands deemed to be within the Karst Feeder Area should be retained in public ownership; and

(d) 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 need to provide all potential purchasers of the subject lands with the details of the City’s policies on the Karst Lands.

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 1961 Rymal Road East, legally described as Parts 12, 36 and 37, Plan 62R-17418, in the former Township of Saltfleet, as shown on Appendix “A” attached to Report PED10212.

Alternatives for Consideration - Page 7

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.

The subject vacant parcel is situated on Rymal Road East, east of Upper Mount Albion Road; it comprises an area of 0.12 hectares (0.3 acres) with a frontage of approximately 19.5 metres (64 feet) on Rymal Road East, by a depth of approximately 61.8 metres (203 feet). The property is described as Part 8, Plan 62R-17418, identified as PIN 17086-0333 and Roll Number 251800385087800.

The property lies within the east portion of the Trinity Neighbourhood which has been divided into two, East and West, due to the Karst Feeder Area to the east of the Eramosa Karst Conservation Area. The rear limit of this property marks the south limit
of the Eramosa Karst Core and Buffer Zone, an area which is being retained as conservation land under the ownership and stewardship of the Hamilton Conservation Authority. Zoning and Official Plan designations specific to the subject parcel are described in the Relevant Consultation section of this Report.

The 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 municipal interest in acquiring the lands, and no interest was expressed.

**POLICY IMPLICATIONS**

The internal circulation confirmed no municipal need for the subject property. As no municipal need has been identified for the subject property, 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.

**RELEVANT CONSULTATION**

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.

The following comments were received:

*Legislative Approvals Section:*

“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 policies:

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff notes that the subject lands are located within approximately 55 metres from Rymal Road East. As such, any future development applications for the subject lands which contemplate a sensitive land use will require the fulfilment of the following condition:
That the owner / applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands) 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. Staff notes that the subject lands are located within the Eramosa Karst Environmentally Significant Area. As such, please refer to the comments provided by Community Planning staff in this regard.

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Regional Official Plan. Policy C-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 urban areas.

The subject property is designated “Residential” on Schedule “A” General Land Use Plan and “Low Density Residential” on Schedule “A-3” Secondary Plan West Mountain Planning District (Heritage Green) in the Stoney Creek Official Plan.

The subject property is zoned Neighbourhood Development “ND” Zone in Stoney Creek Zoning By-law No. 3692-92.

Being within the east portion of the Karst Feeder Area east of the Eramosa Karst Conservation Area, Council is recommending that there be no development and that the lands be added to the Eramosa Karst Conservation Area. Within the Trinity Neighbourhood, the property is proposed to be designated “Natural Open Space”.

**Development Engineering Section:**

“Prospective purchasers should be advised that there are no municipal sewers on this section of Rymal Road East.”

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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 – Neighbourhoods

**Stoney Creek Official Plan** designation:
Schedule “A” – General Land Use – Residential

**Secondary Plan** designation:
West Mountain Area (Heritage Green) – Low Density Residential

The subject property is currently part of the lands known as Trinity East. Planning and Economic Development staff has been directed to prepare an Official Plan Amendment and Zoning By-law Amendment to redesignate and rezone the Trinity East lands as Natural Open Space. Lands designated Natural Open Space are generally part of a park or conservation area. They have environmental features and are intended to be preserved in their natural state. Where appropriate, limited recreational activities/uses may be permitted such as trails, picnic areas, conservation management, etc.

Community Planning – Archaeology:

“The subject property meets 2 of the 10 criteria used by the City of Hamilton and Ontario Ministry of Culture (MCL) for determining archaeological potential:

1) 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; and
2) Along historic transportation routes.

These criteria define the property as having archaeological potential and future owner(s) 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 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)."

**Community Planning – Natural Heritage:**

“The subject property is located within the Eramosa Karst Provincially Significant Science Area or Natural and Scientific Interest (ANSI). The property has also been identified in the Urban Hamilton Official Plan as an Area Specific Policy Area 1 (USC-1). There are policies (USC-1, Section 1.0) which protect the geomorphology and hydrology of water flowing north into the ANSI. No development shall occur in this area unless it can be shown, through technical studies, that there will be no impacts on the features and functions of the ANSI.”

**Environment and Sustainable Infrastructure Division:**

"We have expressed concerns in the past with the development of lands in these areas prior to a regional karst evaluation program. As mentioned before, the lands are in an area with significant karstification, the interconnectedness of these features are important to their continued preservation. When the lands are divided and studied at the local site scale, the broader regional interdependence is not obvious. It is, therefore, recommended that these lands be retained by a public body until such time as a regional karst evaluation has been completed and consideration of the overall system is available.

This property is landlocked and within the urban boundary; it has no municipal water or sanitary service fronting the property.”

**Recreation Division – Community Services Department:**

“Due to the fact this property is located in a low density area adjacent to Conservation Authority lands; we would support the selling or transfer of these lands to the Conservation Authority.”

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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
• Maintain effective relationships with other public agencies.

Growing Our Economy
• n/a

Social Development
• n/a

Environmental Stewardship
• n/a

Healthy Community
• n/a

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APPENDICES / SCHEDULES

Appendix “A” to Report PED10212 – Location Map

DC/sd
Location Map

Subject Property

1961 Rymal Road East
Parts 12, 36 & 37, Plan 62R-17418
City of Hamilton (former Township of Saltfleet)
PIN # 17088-0333(LT)
Area: 1.35 HA (3.338 AC)