SUBJECT: Applications to Amend the Hamilton-Wentworth Official Plan and Ancaster Official Plan for Lands Located at 630 Trinity Road South (Ancaster) (PED08050) (Ward 12)

RECOMMENDATION:

(a) That Hamilton-Wentworth Official Plan Amendment Application ROPA-07-002, Nick Koppelaar, owner, to amend Section C-4.2.1, Water Supply and Sewage Treatment, of the Hamilton-Wentworth Official Plan, to permit the private extension and connection to a municipal water pipe to the lands located at 630 Trinity Road South (Ancaster), as shown on Appendix “A” to Report PED08050, be denied on the following basis:

(i) That the application is not consistent with the Provincial Policy Statement.

(ii) That the application does not conform to the Greenbelt Plan.

(iii) That the application does not conform to the Places to Grow Plan.

(b) That Official Plan Amendment Application OPA-07-011, Nick Koppelaar, owner, to amend Section 3.3, Servicing and Utilities, of the Ancaster Official Plan, to permit the private extension and connection to a municipal water pipe to the lands located at 630 Trinity Road South (Ancaster), as shown on Appendix “A” to Report PED08050, be denied on the following basis:

(i) That the application is not consistent with the Provincial Policy Statement.

(ii) That the application does not conform to the Greenbelt Plan.
EXECUTIVE SUMMARY:

The purpose of the applications is to amend Section C-4.2.1, Water Supply and Sewage Treatment of the Hamilton-Wentworth Official Plan, and Section 3.3, Servicing and Utilities of the Ancaster Official Plan, to permit the private extension and connection to a municipal water pipe to the lands located at 630 Trinity Road South (Ancaster) (see Appendix “A”).

The applications cannot be supported as they are not consistent with the Provincial Policy Statement, and do not conform to the Greenbelt Plan and the Places to Grow Plan.

BACKGROUND:

Proposal

The applicant is proposing to amend the Hamilton-Wentworth Official Plan and Ancaster Official Plan to allow for a private, individual water connection to an existing municipal water system to serve the new location of the Ancaster Agricultural Fairgrounds, located at 630 Trinity Road South (see Appendix “A”).

The applicant’s agent submitted a Planning Justification Report (see Appendix “B” – text only) in support of the proposed applications on the basis that the connection to the municipal water system is a private connection, it will encourage agriculture and agriculturally related uses, it is a responsible solution to a unique situation, there are no adverse impacts on other properties, and there is no opportunity for further extension or connections to the Rural Area. The details of the Planning Justification Report are further addressed in the Analysis/Rationale Section of this report.

Applications OPA-06-19 and ZAC-06-072

On August 28, 2006, the Ancaster Agricultural Society applied for Official Plan and Zoning By-law Amendments to permit the development of the lands for the Ancaster Agricultural Fairgrounds, which included a number of buildings to be used on an annual basis for the Fall Fair, in addition to year-round agricultural events. Council approved Official Plan Amendment No. 113 and Zoning By-law No. 07-060 on February 28, 2007.
Location: 630 Trinity Road South (Ancaster)

Owner: Nick Koppelaar

Applicant: Ancaster Agricultural Society

Agent: Fothergill Planning & Development Inc., c/o Ed Fothergill

Property Description: Frontage: 459.23 metres (Wilson Street West)
                       Depth: 638.78 metres (Trinity Road South)
                       Lot Area: 40 hectares

EXISTING LAND USE AND ZONING:

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ANALYSIS/RATIONALE:

1. In review of the proposed applications, staff acknowledges that due to the groundwater constraints for the site a practical solution would be to connect to the public watermain that currently exists on the east side of Trinity Road South to serve this development. However, the situation exists that the subject lands are outside the urban boundary and can be accommodated with private services on-site. There is a strong policy base that does not permit the extension of municipal services outside the urban boundary. Therefore, in review of the relevant policy documents, the proposed amendments to the Hamilton-Wentworth Official Plan and Ancaster Official Plan to permit the private extension and connection to a municipal water pipe to the lands located at 630 Trinity Road South (Ancaster) cannot be supported for the following reasons:
(i) The proposal is inconsistent with the Provincial Policy Statement.

(ii) The proposal does not conform to the Greenbelt Plan.

(iii) The proposal does not conform to the Places to Grow Plan.

2. Policy 1.1.4.1 of the Provincial Policy Statement (PPS) states that in Rural Areas located in municipalities, development shall be appropriate for the infrastructure which is planned and available, and avoid the need for the unjustified and/or uneconomical expansion of the infrastructure. It proceeds to state that development that is compatible with the rural landscape, and can be sustained by rural services levels, should be promoted. Furthermore, Policy 1.6.4.5 states that partial services can only be permitted when they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development. As the development of the fairgrounds is not existing and can be accommodated by an MOE approved subsurface disposal system for the treatment and disposal of sewage, and a water supply system that has water trucked to the site and stored in on-site cisterns, the proposal is inconsistent with the Provincial Policy Statement.

3. The applicable policies of the Greenbelt Plan state that the extension of municipal or private communal sewage or water services outside the settlement boundary shall only be permitted in the case of health issues, or to service existing uses and the expansion thereof adjacent to the settlement. The Greenbelt Plan also identifies that new or expanded partial servicing shall be permitted where site conditions are suitable for long-term provision of such services, provided that servicing is necessary to address failed individual on-site sewage or water services serving existing development. In addition, the Places to Grow Plan states that for lands within the Greenbelt Plan Area, all policies regarding water and wastewater systems or stormwater set out in provincial plans, applicable to lands within the Greenbelt Area, continue to apply.

As the proposal is for the extension of partial servicing on lands outside of the urban boundary and is not an existing use, the proposal does not conform to the Greenbelt Plan or Places to Grow Plan.

4. The proposal to allow for a private, individual water connection to an existing municipal water system does not comply with the Hamilton-Wentworth Official Plan. Policy C-4.2.1.2 of the Hamilton-Wentworth Official Plan prohibits extensions of municipal water and/or sewage pipes outside the Urban Area, except when the Medical Officer of Health identifies an urgent public health need and there are no viable alternatives to rectify the situation.

Policy C-4.2.1.2(a) i) to vii) outlines the specific tests when considering extensions of and/or connections to service existing uses in the Rural Area. The proposal conforms to Policy 4.1.1.2 (a) i), ii), iii), and vii) as the area being serviced fronts onto a rural/urban boundary road, the area being serviced would
remain designated rural, the proposal will not result in pressure to expand the urban area, and the provisions of services is based on full cost recovery from the benefiting parties.

However, the proposal conflicts with Policy C-4.2.1.2(a iv), v), and vi) as the proposal is not to serve an existing use in the Rural Area, the water service connection will be large enough in size to service more than one single family residential connection, there is not sufficient capacity to serve the site for fire protection, and without proper modelling the extension may be premature in relation to the timing of industrial development in the urban area.

Therefore, as the nature of the application does not fulfil all of the requirements for considering extensions of and/or connections to municipal services to service existing uses in the Rural Area, the proposal does not conform to the policies of the Hamilton-Wentworth Official Plan.

5. Policy 3.3.8 of the Ancaster Official Plan states that all development in the Rural Area shall have adequate and sufficient systems for water and sanitary sewage disposal, and must be on the basis of private individual systems. The applicant has demonstrated, through other approvals, that there are sufficient methods of providing adequate water and sanitary sewage disposal for this development without the need to connect to the municipal water system. Therefore, the proposal does not conform to the Ancaster Official Plan.

6. Servicing

In review of Site Plan application DA-07-055 and Holding removal application ZAH-07-043, the applicants have demonstrated that the proposed fairground development can be accommodated with a private water and sanitary sewage disposal system without the need to connect into a municipal watermain. A Water Supply Study, prepared by R.J. Burnside & Associates, concluded that development based upon groundwater supplies is impractical and that water servicing be provided through either connection to the existing municipal system or truck haul of off-site water sources with on-site storage tanks. On January 4, 2008, the Ministry of Environment (MOE) issued a Certificate of Approval for the private sewage works proposed for the site.

In May 2007, staff from the City’s Public Works Department, Water and Wastewater Division, employed a trunk system analysis to model the proposed development within the existing municipal water system and determined that the system, under maximum day plus fire conditions, would be about 30% deficient in delivering the expected flow an extended distance from the extremity of the existing distribution system.

7. Staff acknowledges that due to the poor water quality available on the site, the proposed connection to the existing water main on the east side of Trinity Road South is a practical solution to service the fairgrounds development. The source
of water would still be the same, and it would eliminate the need to have municipal water trucked to the site from the pump station located on Osprey Drive in the Ancaster Industrial Park. On-site storage tanks would still be required to address the 30% deficiency for fire protection. However, the policy framework discussed above does not permit the extension or connection of municipal water service outside the urban boundary. Approval of this application could encourage other similar applications for other developments that front onto a rural/urban boundary road which, if approved, would undermine the intent of the existing policy framework.

8. The Planning Justification Report (see Appendix “B” – text only), submitted by Fothergill Planning and Development Inc., recommends approval of the proposed amendments as it is a responsible planning solution to a unique situation and helps implement a use which is in the public interest and supports agricultural, tourism and recreation sectors. It also summarizes that the proposal will not lead to undesirable outcomes, or have adverse impacts on other properties, and there is no opportunity for either a further extension of the service or additional connections to other properties in the Rural Area.

As noted in staff’s previous analysis of the proposed amendments, the policy framework does not permit the extension or connection of municipal water service outside the urban boundary. The development of the fairgrounds can proceed with a private water and sanitary system that has been approved, which is in the public interest and supports agricultural, tourism and recreation sectors, and will not have adverse impacts on other properties. In addition, this is not an existing use that is established on the subject lands. Furthermore, approval of these applications could encourage other similar applications from other landowners that have frontage onto a rural/urban boundary road.

9. Staff notes that should the applications to permit a private, individual water connection to an existing municipal water system be approved, the applicants, under the City's Development Charges By-law, would be required to pay a fee of approximately $139,099.14 at the time of water permit issuance.

**ALTERNATIVES FOR CONSIDERATION:**

Should the applications be denied, the subject lands could still be developed for uses permitted within the existing Agricultural Holding “H-A-554” Zone and Conservation Open Space “O1-556” Zone, which includes an Agricultural Fairground on the property.

**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 an Official Plan Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS) to determine if they are consistent with the principles and policies that are applicable. The policies applicable to these applications are as follows:

“1.1.4 Rural Areas in Municipalities

1.1.4.1 In rural areas located in municipalities:

(b) Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for unjustified and/or uneconomical expansion of this infrastructure; and,

(d) Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6.4 Sewage and Water Policies

1.6.4.5 Partial services shall only be permitted in the following circumstances:

(a) Where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; and,

(b) Within settlement areas, to allow for infilling and rounding out of existing development on partial services provided that:

1. The development is within the reserve sewage system capacity and reserve water system capacity; and,

2. Site conditions are suitable for the long-term provision of such services.”

Based on the foregoing, the proposal is inconsistent with Policy 1.1.4.1 (b) and the Rural Areas in Municipalities policies, and is not a scenario for the provision of partial services, as per Policy 1.6.4.5. Accordingly, the proposal is not consistent with the Provincial Policy Statement.
Greenbelt Plan

The subject lands are designated “Protected Countryside” within the Greenbelt Plan. Policy 4.2.2.5 states that “the extension of municipal or private communal sewage or water services outside of a settlement boundary shall only be permitted in the case of health issues, or to service existing uses and the expansion thereof adjacent to the settlement. Notwithstanding the above, where municipal water services exist outside of settlement areas, existing uses within the service area boundary, as defined by the Environmental Assessment may be connected to such a service”.

Furthermore, the subject proposal is for partial services which would also be subject to Policy 4.2.2.6 of the Greenbelt Plan, which states “that new or expanded partial servicing, where site conditions are suitable for long-term provision of such services, is only permitted in the following circumstances:

(a) Where such servicing is necessary to address failed individual on-site sewage or water services serving existing development; or,

(b) To allow for infilling and intensification within settlement areas served by partial services as of the date this Plan came into effect.”

As the nature of the applications are proposing partial servicing connection to a development that is not existing and is on lands that are outside the urban boundary, the proposal does not conform to the policies of the Greenbelt Plan.

Places to Grow

The application has been reviewed with respect to the Places to Grow Plan. The policies applicable to these applications are as follows:

“3.2.5 Water and Wastewater Systems

2. For lands within the Greenbelt Area, all policies regarding water and wastewater systems or stormwater set out in provincial plans, applicable to lands within the Greenbelt Area, continue to apply.

4. Construction of new, or expansion of existing, municipal or private communal water and wastewater systems should only be considered where the following conditions are met:

(a) Strategies for water conservation and other water demand management initiatives are being implemented in the existing service area;

(b) Plans for expansion or for new services are to serve growth in a manner that supports achievement of the intensification target and density targets;
Based on the above-noted policies, it is the opinion of staff that the proposal to allow the private extension and connection to the municipal water system does not conform to the Places to Grow Plan. The subject lands are within the Greenbelt Plan Area, in which all policies regarding water and wastewater systems continue to apply, and the proposed expansion does not serve growth in a manner that supports achievement of the intensification target and density targets.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Rural Area – Prime Agricultural Area” within the Hamilton-Wentworth Official Plan. Policy C-4.2.1.2 states that the Region will “prohibit extensions of municipal water and/or sewage pipes outside the Urban Area, except under Policy C-3.1.2.9 and Policy C-4.2.1.2(a), and/or except when the Medical Officer of Health identifies an urgent public health need and there are no viable alternatives to rectify the situation”.

“Policy C-4.2.1.2(a) Considers extension of and/or connections to municipal services to service existing uses in the Rural Area, only where:

(i) The lands front onto rural/urban boundary roads;

(ii) The area being serviced would remain designated rural in the ROP;

(iii) The provision of services will not result in pressure to expand the urban area and the presence of municipal services cannot be used as justification for the expansion of existing uses or new development in the Rural Area;

(iv) Water/sewer services will be sized to facilitate only the equivalent of one single family residential connection;

(v) Sufficient supply and capacity are available;

(vi) In the case of servicing extensions, the rural side of the road forming the rural/urban boundary is essentially developed with little or no opportunity for additional or in-depth development, and the extension is considered premature in relation to the timing of development within the nearby urban area; and,

(vii) The provision of services is based on full cost recovery from the benefiting parties.
Therefore, as the nature of the application is for the connection of municipal services to serve a future use and does not fulfil all of the requirements for considering extensions of and/or connections to municipal services to service existing uses in the Rural Area, the proposal does not conform to the policies of the Hamilton-Wentworth Official Plan.

Ancaster Official Plan

The subject lands are designated as “Agricultural and Specific Policy Area No. 61” within the Ancaster Official Plan. Specific Policy Area No. 61 permits an agricultural fairground. Policies dealing with services and utilities are set out in Section 3.3 of the Plan. The key policy of this Section is as follows:

“3.3.8 All development in the Rural Area shall have adequate and sufficient systems for water, sanitary sewage disposal and storm drainage, and must be on the basis of private individual systems to avoid environmental problems that could result from the development in these areas”.

Through previous applications, the applicant has demonstrated that the proposed fairground development will have adequate water, sanitary sewage disposal and storm drainage to avoid environmental problems in the area. Therefore, the proposal to amend the Ancaster Official Plan cannot be supported.

Rural Hamilton Official Plan – (Pending Ministerial Approval)

The new Rural Hamilton Official Plan was adopted by Council on September 27, 2006, and has been forwarded to the Minister of Municipal Affairs and Housing (pending approval).

For information purposes, the subject lands are designated as “Rural” on Schedule “D” – Rural Land Use Designations. The “Rural” designation applies to lands characterized as having lower capability for agriculture due to a range of factors. The intent of this Plan is to protect and maintain agricultural uses as the primary and predominant land uses.

The objective of the Rural Hamilton Official Plan is to prohibit the expansion of all lake-based, municipal water and wastewater services outside the Urban Area boundary. Policy 5.3.1 states that “the Province requires municipalities to prohibit the extension of lake-based municipal services outside of Urban Area Boundaries, except in response to public health emergencies. No extensions of, or new connections to municipal lake-based water and wastewater systems, shall be permitted by this Plan in the Rural Area or designated Rural Settlement Areas unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population”.

Based on the foregoing, the proposal to allow the private extension and connection to the municipal water system does not conform to the proposed Rural Hamilton Official Plan.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Roads and Traffic Division (Public Works Department)
- Transit Division (Public Works Department)
- Forestry and Horticulture Section (Public Works Department)
- Budgets and Finance Division (Corporate Services Department)
- Recreation Division (Community Services Department)
- Hydro One Networks Inc.
- Bell Canada
- Union Gas
- Horizon Utilities Corporation
- Hamilton-Wentworth District School Board
- Municipal Affairs and Housing

**Water and Wastewater Division (Public Works Department)** has advised that this section provided technical input in May, 2007 with respect to modelling of system demand and fire flows with any proposed extension of existing municipal services to the site. It was noted, at that time, that the system would be about 30% deficient in delivering the expected flow an extended distance from the extremity of the existing distribution system. Should the proposed connection be approved, it is likely that service to new developments within the pressure district could be compromised.

**Grand River Conservation Authority (GRCA)** has advised that they have no objection to the proposal provided the water main connection is constructed outside the GRCA’s features of interest. As indicated in previous correspondence, a number of headwater tributaries of Big Creek and the associated flood plains cross the subject property. Wetlands have also been identified adjacent to the watercourse features. These features have been designated and protected through OPA-06-019 and ZAC-06-072. Construction of the water main within/under the wetland or watercourse features will require permission under the GRCA’s Development, Alterations to Shorelines and Watercourses and Interference with Wetlands Regulation (Ontario Regulation 150/60).

**Public Consultation**

In accordance with Council’s Public Participation Policy, the applications were pre-circulated to 21 property owners within 120 metres of the subject property. In addition, a Public Notice sign was posted on the property in July of 2007. To date, no written comments have been received as a result of the pre-circulation of these applications.
Notice of the Public Meeting for these applications will be circulated to property owners within 120 metres of the subject lands and through a sign posted on the property in accordance with the regulations of the Planning Act.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, 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
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
The proposed connection to the municipal water system may cause constraint issues and potentially limit future development in the Ancaster Industrial Park.

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

:JT
Attach. (2)
Subject Property
630 Trinity Road South

Applications to amend the Hamilton-Wentworth Official Plan and Ancaster Official Plan to permit the private extension and connection to a municipal water pipe.
Planning Justification Report
Application for Regional Official Plan Amendment and Local Official Plan Amendment

Ancaster Agricultural Society
630 Trinity Road, Town of Ancaster

Prepared for
ANCASTER AGRICULTURAL SOCIETY

Prepared by
FOTHERGILL PLANNING & DEVELOPMENT INC.

June 12, 2007
APPLICATION
FOR
REGIONAL OFFICIAL PLAN AMENDMENT
AND LOCAL OFFICIAL PLAN AMENDMENT
ANCASTER AGRICULTURAL SOCIETY
630 TRINITY ROAD, TOWN OF ANCASTER
PLANNING JUSTIFICATION REPORT

Fothergill Planning & Development Inc.
June 12, 2007
Application for Regional Official Plan Amendment  
and Local Official Plan Amendment  
Ancaster Agricultural Society  
630 Trinity Road Town of Ancaster  
Planning Justification Report  

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5. Excerpts from Places to Grow Plan  
7. Excerpts from Town of Ancaster Official Plan
1.0 Introduction

This report provides planning justification to support an application to amend the Official Plan for the Regional Municipality of Hamilton-Wentworth and the Official Plan for the Town of Ancaster to permit a private, individual connection to the City of Hamilton municipal water distribution system for a property located outside of the existing Urban Area boundary. The amendment will facilitate the most practical, sustainable and cost effective method of implementing an approved use in the Rural Area which serves and promotes the agricultural sector and also provides an opportunity for recreation and tourism activities.

Within planning policy documents, the provision of adequate private or individual servicing is promoted in the Rural Area and the extension of municipal services from the Urban Area is discouraged. The intent of this policy is in part to ensure adequate private services are provided in the Rural Area to protect natural features and resources and to ensure that the use of private services does not adversely impact surrounding land uses.

In addition, extensions of municipal services outside the Urban Boundary are generally discouraged, as this could lead to a number of undesirable outcomes, including:

1. premature development in the Rural Area;
2. weakening of firm urban boundary;
3. encouragement of urban sprawl;
4. creating a potential for further servicing extensions;
5. costs to the municipality in terms of capital investment and ongoing maintenance costs;
6. promotion of inappropriate intensification in the Rural Area;
7. further intensification of the site and/or land use being serviced;
8. inefficiencies, if the extension services non-intensive uses.
2.0 Outline of Proposal

In the case of the subject property, the current application is very unique. A Water Supply Study prepared by R.J. Burnside & Associates Limited has determined that there is very poor water quality from groundwater sources on the property. As a result, the Burnside report recommends either a trucked water supply be utilized with on-site storage tanks, or alternatively, consideration be given to a connection to the existing municipal water supply system.

Preliminary design work undertaken by Burnside has confirmed that it is possible to bring water from the municipal water supply system to the site by way of trucks and store it in underground tanks for domestic water purposes. However, this alternative is expensive and inefficient.

In this case, there is a unique opportunity in that an adequate municipal water supply is located across the road from the property on the east side of Trinity Road. This allows for the opportunity to consider a private connection to a municipal water service without creating an extension of municipal services into the Rural Area.

As a result of these somewhat unique circumstances, it is proposed that a private, individual water connection be made from the existing municipal water supply system on the east side of Trinity Road, which is in the Urban Area, to lands being developed by the Ancaster Agricultural Society on the west side of Trinity Road, which is in the Rural Area. It is proposed that the connection be sized only to accommodate the existing use with allowance for some expansion. Since the connection will be made directly across Trinity Road south of Wilson Street, there will be no opportunity for the connection to be available or accessible by any other property owner. This will prevent any further extension of the water supply. The proponent is prepared to sign an undertaking and/or servicing agreement with the City to regulate and control this connection.
In order to implement this proposal, an amendment is required to the Official Plan for the Regional Municipality of Hamilton-Wentworth and possibly the Official Plan for the Town of Ancaster.

3.0 Public Planning Policy

There are two general components to public planning policy documents. The first is a statement of goals and objectives which outline the intent of the policy, i.e. what is the policy trying to achieve? The second are a set of implementation measures to achieve the desired results.

Implementation measures are normally designed to either facilitate positive actions to achieve plan objectives or to prevent activities which would frustrate efforts to achieve desired outcomes.

It is important to remember that implementation measures are neither universal nor comprehensive. That is, there are often different, or in some cases, better ways to achieve the goals and objectives of a given planning policy document other than those measures outlined in the plan.

In considering alternative implementation measures, it is important to examine the manner in which these measures can implement the intent of the Plan without compromising other aspects of the plan or creating a situation which would be contrary to the overall objectives of the planning documents. Therefore, depending upon individual circumstances, there may be implementation measures that are as effective, or even superior to those outline in planning policy documents. The consideration of planning policy documents will be undertaken within the context of this perspective.
3.1 Provincial Policy Statement

The major objectives of the Provincial Policy Statement are to protect Prime Agricultural Lands, to allow other agricultural related uses (Policy 2.3.3.2) and to promote recreational, tourism and other economic opportunities (Policy 1.1.4.1 (g)).

In order to implement these uses, Provincial Policy Statement provides direction with respect to the provision of water and sewer services by attempting to avoid the need for unjustified and/or uneconomical expansion of infrastructure Policy (1.1.1.4(b)). The coordination of efficient and cost effective services is promoted (Policy 1.6.1, 1.6.3). It encourages the utilization of existing services in Policy 1.6.2 and 1.6.4.1(a)) and promotes sustainability as outlined in Policy 1.6.4.1(b).

In considering implementation measures, the Policy Statement identifies servicing options as including municipal sewage services, municipal water services, individual on-site sewage services, individual on-site water services, partial services, private communal sewage services, and private communal water services. All of these servicing options are defined in Section 6.0 of the Provincial Policy Statement.

In the Rural Area, development can be serviced either by individual on site sewage services and individual on site water services, or private communal sewage services and private communal water services. Policy 1.6.4.5 notes that partial services are only permitted in limited circumstances.

The Provincial Policy Statement is silent with respect to the servicing of a use such as that proposed by the Ancaster Agricultural Society. The servicing policies dealing with individual services appear to be directed towards residential development. Hence, it would appear that unique situations such as that being proposed are not specifically anticipated in the Provincial Policy Statement.

From initial discussions with staff at the City of Hamilton, it has been determined that the current proposal to have water transferred to a truck from what would be a
private, individual connection to the municipal system, and delivery of that water to the site by truck would be consistent with the provisions of the Provincial Policy Statement.

The proposed amendment(s) achieve the same objective of transferring water from a municipal water source to the site. The only difference is the means of transport, i.e., a permanent pipe connection as opposed to a temporary, but ongoing, connection to a private truck.

In this sense, the proposal does not represent an extension of municipal services. It is a private individual on-site water service as the construction, ownership and maintenance of the connection would remain the responsibility of a private owner, the Ancaster Agricultural Society. Further, the distribution system within the site would remain under the ownership and operation of the Ancaster Agricultural Society. This is consistent with the definition of individual on-site water services contained in the Provincial Policy Statement, which is based more on the ownership and operation of the service, rather than the source of water.

The system is primarily on the property owned by the Ancaster Agricultural Society. The only exception would be the small portion of the water line that would travel beneath Trinity Road from the east side to the west side of the roadway.

3.2 Greenbelt Plan

In terms of objectives to be achieved, the proposal is consistent with the Greenbelt Plan in terms of promoting agriculture as well as promoting the tourism and recreation sectors (Policy 3.1.4.1). Therefore, the approval of the project will help to implement the planning objectives of the Greenbelt Plan by providing a public benefit in the agricultural, tourism and recreation sectors. The plan also encourages appropriate levels of infrastructure to serve permitted uses in the Greenbelt Plan (Policy 4.2.1(b)).
The Greenbelt Plan offers a number of other implementation policies with respect to infrastructure in Section 4.2. The proposal generally complies with the provisions of Section 4.2.2.1 for infrastructure within or crossing the protected countryside. Policy 4.2.2.2 would not apply to the current situation as it is not a Settlement Area.

Section 4.2.2.5 does not apply as the proposal is for a private, individual connection to the municipal system rather than the extension of municipal services.

Policy 4.2.2.6 regarding partial services is similar to that outlined in Policy 1.6.4.5 of the Provincial Policy Statement.

Definition of a municipal water supply system refers back to Section 2 of the Safe Drinking Water Act 2002. This definition is again based on ownership of the system as opposed to the source of the water. There is no definition in the Plan of individual on site water services.

3.3 Places to Grow Plan

The main objective of this plan as outlined on page 8 is the intensification of urban areas and the protection of the rural countryside. In the Rural Area, a range of uses to support agricultural recreation and tourism are provided in Policy 2.2.2(1), 2.2.9.1 and 2.2.9.2. This application helps to achieve those objective.

Servicing policies in the Places to Grow plan in Section 3.2.5.2 refer back to policies in the Greenbelt Plan.

The Growth plan contains a number of definitions including that of a drinking water system, municipal water and wastewater systems, and private communal water and wastewater systems. These definitions appear to be consistent with other definitions in Provincial Policy Statements and define a municipal water system as one that is owned and operated by a municipality.
3.4 Official Plan for the Regional Municipality of Hamilton-Wentworth

The proposed use is permitted in the Regional Official Plan, as outlined in Policy C3.2.2, which allows limited land uses in the Rural Area which require land extensive holdings. In this case, the proposal also serves the agricultural community and as noted, provides opportunity for the recreation and tourism sectors.

Implementation policies in Section C4.2.1.2 prohibit the extension of services outside the Urban Area. The current application does not propose or result in the extension of municipal water pipe outside the Urban Area. As noted, it is a private, individual connection to existing municipal services.

It is not proposed that any municipal ownership or maintenance be extended beyond the Urban Area as a result of this application.

Policy C4.2.1.2(a) allows for a connection to municipal services to service existing uses in the Rural Area where seven different criteria are met. The proposal meets each of the seven criteria, with the exception of sub-section (iv) which limits the size of a connection to that equivalent to a single family connection.

As a result, in order to implement this proposal, an amendment to the Regional plan is required to allow for the connection to a waterline for a proposed use as opposed to an existing use. The amendment is also required to recognize the proposal does not comply with policy C4.2.1.2(iv).

Given the intent and nature of this proposal, the public interest associated with concerns about extension of municipal services will be maintained with the safeguards built in to the proposed private, individual connection to the municipal services.
3.5 Town of Ancaster Official Plan

The implementation of the recently approved amendment to the Town of Ancaster Official Plan to permit the Ancaster Fairground use may require an amendment to the plan to permit the site to be serviced with a connection to a municipal water supply.

Policy 3.3.8 of the plan notes that:

"All development in the Rural Area shall have adequate and efficient systems for water, sanitary sewage disposal and storm drainage and must be on the basis of private individual systems to avoid environmental problems that could result from development in these areas."

The proposal for the private connection will achieve this objective if avoiding environmental problems and thus will help to achieve the overall objective of this policy and other policies in the plan. Given the connection will not result in the extension of municipal services and that the water connection and distribution system will remain as a private individual system, it is unclear as to whether or not an amendment is required to the Town of Ancaster Official Plan.

However, out of an abundance of caution, the application has been structured so as to include the consideration of an amendment to the Town of Ancaster Official Plan, if deemed necessary.

4.0 Planning Opinion

The proposed relocation of the Ancaster Agricultural Society is a permitted use on the subject property by virtue of site specific amendments to the Town of Ancaster Official Plan and the Town of Ancaster Zoning By-law. More importantly, the site
will contribute significantly to promoting agricultural activities and the agricultural sector in general. It also will contribute to promote tourism and recreation activities. The project therefore has merit and helps to fulfill a number of important public policy objectives. It is consistent with the intent of Provincial planning policy documents to encourage and support uses such as that proposed by the Ancaster Agricultural Society, and helps implement a number of objectives that are important at the Provincial level. As a result, it is desirable and in the public interest to pursue the most feasible alternative for implementing this proposal so that the positive outcomes for this project can be properly achieved.

As noted in the Water Supply Report from Burnside, water supply from on-site groundwater sources is not feasible. There is poor water quality available on the site and it is expensive and inefficient to treat. Five litres of water are needed from groundwater sources in order to produce one litre of useable water.

As an alternative, it is possible to have water trucked to the site from a nearby municipal source and stored on site in underground holding tanks. If this system were implemented, it would allow the Ancaster Agricultural Society to use the municipal water system, although transportation of that water from the source on the east side of Trinity Road to the user on the west side of Trinity Road would be by truck. This arrangement would appear to comply with the provisions of all local, Regional, and Provincial planning policy documents.

A preferred alternative is to utilize the same water supply through a permanent private, individual connection that would bring the water from the east side of Trinity Road to the west side of Trinity Road by pipe rather than truck. The outcome would be the same. The water reaching the site would be the same. The only difference would be the manner of conveyance. The proposed option would result in a much more cost practical, sustainable and cost effective system, and would minimize traffic on Trinity Road.
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A truck connection to the municipal water system with storage treatment and distribution of the water on the site is considered to be an individual on-site water source. In the same manner, a pipe, as opposed to a truck connection to the same water supply with a similar distribution system on the site in my opinion should be considered as an individual on-site water service.

The proposed private connection in my opinion is generally consistent with the planning policy documents which encourage agriculture and agriculturally related uses and promote recreation and tourism opportunities as is being proposed.

In terms of implementation measures, the proposal is consistent with the implementation of infrastructure improvements which are efficient and cost effective (Policies 1.6.1 and 1.6.3, Provincial Policy Statement), encourage utilization of existing services (Policies 1.6.2 and 1.6.4.1(a)), and also promote sustainability (Policy 1.6.4.1(b)). The proposal is also consistent with the provision in the Greenbelt Plan that encourages appropriate levels of infrastructure to serve permitted uses within the plan (Policy 4.2.1(b)). Further, the proposal complies with Policy 4.2.2.1 in the Greenbelt Plan with respect to infrastructure within the Protected Countryside Area.

The definitions in the Provincial policy documents tend not to refer to the source of the water, but rather the ownership and operation of the infrastructure. In this case, there will be no municipal responsibilities for either construction or operation of the connection of the distribution system. Further, the construction, ownership and ongoing operation of the connection and distribution system within the site will remain within private ownership and control.

This unique scenario was not and could not have been anticipated in any of the Provincial planning documents or the Regional Official Plan. This proposal helps to implement the intent of these planning policies to promote a use which is considered appropriate for the site.
It will not lead to the negative outcomes that the prohibition of municipal service extensions outside the Urban Area is trying to avoid. It will not result in the creation of an unjustified or uneconomical expansion of infrastructure. A private connection will not lead to further intensification of either the site or the surrounding area. It will not permit further extensions, nor will it permit other abutting uses to connect to this service. Given the unique use and situation, this connection will also not set a precedent for consideration by others.

If the amendment is not approved, the use will continue on the property, albeit with a more expensive and inefficient water storage and water distribution system. If approved, this proposed amendment will allow the same water to be brought to the site by a different means of conveyance.

As noted at the outset of this report, implementation measures are not universal or comprehensive. There may be alternative implementation measures, such as that proposed by this application, that are as good as or superior to those in the planning policy documents. As a result, consideration of alternative implementation measures such as this can be pursued through amendments to planning policy documents as is being done by way of this application.

In my opinion, great latitude must be given in the interpretation of planning documents where the amendment process is limited or non-existent. The Provincial policy documents by virtue of the lack of effective amendment process in my opinion require the application of very broad interpretation so as to allow for proper consideration of the best possible implementation measures to achieve desired outcomes. If not, a narrow interpretation of implementation measures may not allow for the proper consideration of the best available alternatives. In the worst case, this has the risk of actually frustrating efforts to bring forward programs of development which properly and effectively achieve plan objectives.
5.0 Summary & Recommendations

It is my opinion that the proposal to allow for a private, individual water connection to existing municipal water system is a responsible planning solution to a unique situation. It helps to implement a use which is in the public interest and supports the agricultural, tourism and recreation sectors. It will not lead to the undesirable outcomes that were identified in Section 1.0 of this report. There are no adverse impacts on other properties. There is no opportunity for either a further extension of this service or for other connections to other owners in the Rural Area.

It has been determined through discussions with the City that an arrangement whereby municipal water is trucked from the nearby municipal water system to the site and held in storage tanks is an implementation measure that would be consistent with Provincial planning documents, the Regional Official Plan and the Town of Ancaster Official Plan. The proposal to change the conveyance from a truck to a pipe connection in my opinion is a better long-term implementation measure, and is preferred over the truck haulage option.

It is my opinion that the public interest is best served by approval of the proposed amendment which facilitates a more cost effective, efficient, and sustainable manner in which to implement a use which is deemed desirable.

In order to implement the proposal, it is recommended that two amendments be made to the Official Plan for the Regional Municipality of Hamilton-Wentworth:

1. An amendment to modify Policy C4.2.1.2(a) to permit a private, individual connection to a municipal service for a proposed use (Ancaster Fairgrounds) as opposed to an existing use;

2. Modification to Policy C4.2.1.2(a)(iv) to note that this sub-section will not apply with respect to this property.
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Given that the proposal is a private connection, it is my opinion that it complies with the Town of Ancaster Official Plan. However, out of an abundance of caution, if desired, an amendment could also be made to Policy 3.3.8 of the Plan to allow for the private, individual connection to the municipal water system as anticipated.

For these reasons, the application can be supported and in my opinion represents sound planning.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.

E.J. Fothergill, M.I.P., R.P.P.
President

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